

WHITHER MINORITIES ?

By

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PREFACE

The following pages have been written with a view to provide not, indeed, any authoritative answer to the most vexed and important question confronting the people of this country, but only a basis on which a solution of that problem may be possible. The writer holds no popular office, nor has any particular position in any recognized political organization. He has, therefore, no authority to express any but his own views, on his own personal responsibility, without any other backing save such as the intrinsic merits of the arguments advanced may themselves command.

This, indeed, makes his views exposed to the charge of being merely academic. But if that is a disadvantage, it is distinctly an advantage, in his opinion at least, that his views cannot be suspected of any predetermined bias, or preconceived prejudice. As a citizen with a full sense of responsibility, he has given his earnest consideration to the nature and implications, the character and

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consequences, of the problem facing the Indian nation to-day. With the knowledge of historical examples and of the treatment of the corresponding problem in contemporary countries, he has endeavoured to analyse the problem, and suggest a solution, which he thinks may well meet with the peculiar conditions of the Indian problem.

If, however, differentiation between citizens of the same country were always to be made on the lines of one's parental religion, the writer would be classed as a member of an insignificantly small minority. That minority has its own record of service to the country, and memories of the treatment received at the hands of the majority for the time being. The consciousness of a distinct community is daily growing among the Parsis. The writer may, accordingly, well claim that he can enter into the sentiments of minorities even better than members of the more numerous communities spread all over India. He may also claim to be competent to give an unbiased analysis, and suggest remedies for a problem, which ought to be considered a passing phenomenon of the Indian political system; but which, unfortunately, threatens very much to be a perennial problem, if we look only at the manner in which it is handled to-day.

Postulating thus his title to deal with the problem, the writer has approached it from an historical, as well as a political aspect. He has examined the position of minorities in the present day leading contemporary countries, as well as in the past; and has considered them in their racial, religious, and political setting. So far as historical or contemporary analogy applies to India, the present treatment seeks to benefit by the lessons of other people's experience; and in so far as the Indian problem is peculiar to this country, and to our present position, the writer has tried to find a specific solution applicable to our particular malady.

The experience, in recent years, of affording to minorities International Guarantees,—at least in regard to the Fundamental Rights of Citizenship in a civilized progressive, democratic, and egalitarian community,—is likewise, considered with reference to Indian conditions and requirements. The guarantee for minority rights is sought to be obtained,—not, indeed, from any external body or authority as in Europe;—but is suggested in the shape of a solemn and formal agreement between the principal parties concerned, ratified by the nation as a whole, which the writer believes to be a much better, more reliable, and more enduring method.

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In outlining the elements of the problem, the writer has endeavoured to define two lines with some attempt at precision. On the one hand, he considers it indispensable to lay down, from the standpoint of the minorities, what may be considered the irreducible minimum of Civic Liberties, below which no community, conscious of its individuality, and anxious to maintain it, should be allowed to fall. On the other hand, he considers it equally important and advisable for the majority community to indicate the maximum to which they would be prepared to go in the interests of national integrity, economic progress, and social justice. There may be room for negotiations and agreement between these two points. That ground, the writer trusts, will be explored fully to bring about an amicable, honourable, satisfactory, as well as enduring settlement.

The agreement, however, contemplated above, when arrived at, should be specifically guaranteed in the solemn council of the nation collectively, placed beyond any chance of alteration by any but the extraordinary procedure laid down in the constitution for that purpose, *e.g.* a Referendum requiring for its validity, a prescribed majority in the aggregate, and also a given proportion of the votes of the minorities affected.

The suggestions in the pages that follow have, it is needless to add, been put forward on the assumption that India is, and remains a single nation, governed on the lines of parliamentary democracy. If proposals are adopted by responsible organizations, which would dismember India and create new States out of it on communal lines, the very basis for a settlement of the minority problem, as we know it to-day, would have disappeared.

In preparing this book, the writer has been helped considerably by his friend Mr. K. T. Shah, formerly Professor of Economics in the University of Bombay, not only in collecting the sources of information and authoritative statistics required, but in all the details of the work. The writer, therefore, wishes to record his grateful thanks for the assistance Mr. K. T. Shah has rendered in this work. He has also had recourse freely to standard books on this subject which is common to the civilized world, and to official publications of the League of Nations, the Dominions' Year Books, the Report of the Statutory Commission, as well as other publications of the Government of India bearing on the subject. He gladly avails himself of this opportunity to record his debt to all these writers and authorities.

M. N. D.

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WHITHER MINORITIES?

CHAPTER I

EVOLUTION OF THE PROBLEM

The term "Minority," as applied in modern political terminology, is restricted to distinct "racial," or "national" groups in minority of numerical strength, within a Sovereign State. The individuals of such groups are linked with one another by common ties of national or cultural consciousness; and usually live in a State, dominated by another group with a larger numerical strength. The individuals of this latter group are similarly linked with one another by ties of racial, linguistic, or cultural unity. Both these minorities and majorities look upon their peculiar cultural features, social institutions, and religion, as clear expression of their separate individuality; and want to preserve them at any cost. In so far as these are in conflict, or in so far as the former are likely to be swamped and overwhelmed by the

latter, the political problem of minorities, as understood nowadays, is created.

The consciousness of minorities as minorities, and of their Rights, is, however, of very recent origin. Minorities as such, have indeed been known throughout history. The problem of dealing with them, or rather dealing by them, has occupied the mind of political thinkers throughout the centuries through which political consciousness and constitutional machinery have been developing. In the past, however, when the enforcement of the method of democratic government, which consists, apparently, in counting heads as the best indication of the will of the sovereign people, or a majority of them, had not yet come into effect, the question of minority rights was rather a matter, regarding and defining the relations of the ruling class, always in a minority, with the ruled,—than that of adequate protection and safeguard of the one against the other. The minority of mere number was rather the privileged class, with full command over all the material advantages and means of power, against which the majority needed guarantees of protection. In contradistinction to the past, the present aspect of simple majority rule, dealing with the minorities as though the latter were at

their mercy, is 'relatively an artificial growth. In the past, it was the minority that ruled, had wealth and power, and boasted of culture, refinement, and civilisation, as their exclusive possession. It came to be expressed in the Divine Right of Kings, the absolute and only sovereigns in their respective dominions; and the infallibility of the Popes in matters spiritual. It claimed a monopoly of wisdom, a sense of honour and a capacity for doing justice, which, however sadly lacking in specific cases, was nevertheless sufficient to keep the majority quiet and submissive, even though described as the "canaille" or the "great unwashed."

If we rule out absolute monarchy, the primitive forms of government seem to have been aristocratic in their origin, which also clearly meant minority rule of the best. When they came to be replaced by a monarchy, which carried to its logical conclusion the principle of minority domination in its absolute form, the implication of such minority rule began to be faintly discernible and crudely resented. The ancient Aryan polity, so far as we know about it, whether in India or Iran, in Greece or Rome, seems to have been, in its first inception, of this aristocratic character, though forms of common council for the people were not

unknown. The evolution of "caste" is aristocratic, minority rule *par excellence*, and class domination *sans pareille*. The replacement of these by a one-man rule, namely the King, generally vested with absolute sovereign authority, made the rule of one-man-minority paramount. But, in practice, the King was more or less restrained by the presence of a strong nobility, a military class, or a priesthood, standing in opposition to, and sometimes in conflict with, the Monarch. In so far as such restraint succeeded and imposed restrictions on the Monarch's absolute authority, it gave a semblance of constitutional rule, which may be said to mark the beginnings of popular sovereignty and democratic government. But the development of constitutional monarchy and responsible ministry, is not, fundamentally, an abandonment of the principle of one-man rule. Until the methods of representative government through parliamentary democracy, and popular referendum when the former failed, were evolved and put into working order, the idea of popular sovereignty remained but a name, and democratic government only a sham.

But the ancient caste has declined, and absolute monarchy fallen into decay. The problem of minorities, as we know it to-day, was present in the

medieval States. But as it has developed in more recent times, during the last 500 years or so, it scarcely bears any analogy to the present problem in this, or any other country. The doctrine used to be maintained, and commonly enforced, that the individual had certain personal rights; or rather, that he had an inalienable right to be governed by a personal law of his own, which should be applied in relation to him, even when he was resident in a community or country, where the personal law of the people was wholly different. The claim of extra-territoriality of Europeans in such countries as Egypt, China, or Japan, in recent times, is but faintly redolent of the practice generally observed in all civilised countries until the end of the XVII century. That sovereign authority was most successful, or best appreciated, which interfered least with the daily life of the people. It contented itself with imposing taxes, maintaining order, and letting its thundering legions pass over the land from time to time; but the people bowed in patient, deep disdain, after the legions had thundered past; and resumed the thread of their normal daily life, which had scarcely been touched by the march past of those legions.

In India, particularly, the application of the personal law—apart from, and independent of, the

will of the sovereign—has always been maintained. The result has been that the might of the sovereign authority, in its impact upon the liberties of the individual, was to a very large extent restricted. The ideal of Civil Liberties, as we now understand the term, was, of course, unknown, and, therefore, unmissed. But the use of the immemorial, customary, personal law for the regulation of daily life, and the normal activities of every citizen, in accordance with the caste, or religion, or community in which he was born, remained the unquestioned privilege of every individual, which did not need even to be asserted.

Until the advent of Christianity in the Roman Empire,—and, more particularly, until the beginning of the Reformation,—which first created the problem of dealing with peoples of different religious beliefs or forms of worship, the problem of minority rights, as such, had never presented itself to the rulers. For it was the minority which governed, and, therefore, did not need any protection of their rights in the form which we have to face to-day. The State Universal, the *Civitas Dei*, was conceived of as a single entity, embracing and containing all the faithful; ruled, on the material plane, by the Holy Roman Emperor, and, on the spiritual plane,

by the Holy Father, the Bishop of Rome. There could be no question of minority rights or protection in such a polity.

In Eastern countries, the theory of the State was based on wholly different principles. But even in the Arab or Islamic conception of such an organization, where the Commander of the Faithful ruled in common brotherhood all the children of one God, there was no need to define the special rights of minorities.

After the commencement of the Reformation, and the division of Europe between Protestants and Catholics, the need for a certain degree of tolerance and recognition of the ordinary civic rights of individuals, who differed in religion from their neighbours in a majority, had to be considered. Attempts like that of Henrie IV of France, embodied in the Edict of Nantes, indicate the commencement of the principle of civic equality in a secular State, irrespective of religious differences. It brought in its train all the varying forms of the civil liberties of the people, including the freedom of worship, which we now consider the indispensable marks of a civilised State. In the XVII century, this doctrine was frequently assailed by

the new national Sovereign States, tending to have absolute monarchies, the main attack being enshrined in the maxim "*Cujus Regio Ejus Religio.*" But, after many vicissitudes, the attempt failed; and the doctrine of civic equality and religious tolerance, was generally admitted as a mark of a civilised State.

The religious minorities, thus brought about in individual, national, sovereign States, had to commence with many disabilities. These were forced upon them by the dominant majority, whether it was the absolute monarchy of France, or the oligarchy of England after 1688. The disabilities of the Catholics as well as of the Quakers in England were not all removed till well on in the XIX century. It is still not possible for a King of England to be a Catholic, or be married to a Catholic; nor, perhaps, is it possible for a Jew to be the Lord High Chancellor of Great Britain, or for one who is not an Anglican Christian. The sufferings of the Irish minority in the United Kingdom, while it lasted, is another instance of the same kind, shown on a larger scale in France after the revocation of the Edict of Nantes in 1685, and all the consequences that followed thereafter. The persecutions of the Christians in the Turkish

dominions in Europe or in Asia, or of the Moors and the Jews in Catholic Spain, are also of the same nature. The memories left by these persecutions, the precedents established by these traditions, are even now not forgotten. And so, while holding up the civic equality of all citizens, irrespective of religious differences, as an ideal; and demanding full toleration of all forms of faith and worship, as concrete evidence of the realization of that ideal, we are still very far from practising the fulfilment of our hope on a large scale in daily life.

Besides the minorities caused by difference in religious beliefs and forms of worship, amongst the Christians themselves, there was, in every State in Europe, a considerable minority of the Jews. These were alien in race as well as religion. Against them, memories of the persecution of Jesus Christ, himself a Jew, have served to embitter the peoples of Christendom, and to spur them on to all kinds of cruelty and oppression.

The Jews were, in the beginning, deprived of all civic rights, including that of holding or owning real property, in practically all the Christian States of Europe. They could not be members of any guild, and so could practise no organized

craft, with any hope of collective protection in moments of emergency. They could hold no post of civil or military importance to the State; could have no habitation in the haunts of the Christians; and could claim no privilege, no liberty, not even charity, which even the dumb animals could get from the State as a whole.

These disabilities were gradually removed. But the brand of an alien race was never effaced. Like all persecuted minorities,—living in the midst of a crude, selfish majority, conscious only of its brute strength,—the Jews developed a sharpness of wit, a cunning, and an organization or community feeling of their own, which were indispensable for their struggle for existence. These helped them, despite their disabilities, to become wealthy and cultured, liberal and progressive, as a matter of mere necessity in their psychological make-up. Their attainment to riches and refinement made their neighbours more envious than ever. Their profession of liberal opinions, stimulated and intensified the hatred of their less progressive compatriots with vested interests rooted in reaction and prejudice. Their achievements in the liberal arts and material science only served to feed the flames of race-hatred and religious intolerance,

because they threatened the economic leverage reserved for the privileged classes of the Christians.

While the Jewish question was anything but ended by the first proclamation of the Rights of Man, and the watch-words of revolutionary fervour,—Liberty, Equality, Fraternity, in France,—similar racial minorities were being created on the other side of the Atlantic by the European settlers in the new world, rapidly acquiring domination against the natives of the country. The so-called Red Indian was hunted out of the pale of civilization, as unwelcome and unwanted. The Negro, though wanted for labour, was despised as a slave; and therefore, could not be admitted to any of the rights of citizenship. The latter were the original inhabitants of the country, who had, however, been extruded from their native soil taken possession of by force by the foreign invaders for their own use. The settlers or conquerors became, in course of time, interested in the country of their adoption, and began to consider themselves as natives of the soil. With this idea, they tended rapidly to break off from the parent country, from which the ancestors of a majority of them had come. Portugal, Spain, France, and

England, with a sprinkling of the Dutch, have been the principal colonising powers on the continent of America for more than 300 years. But the descendants of the colonists from all these countries have ceased to have any ties with their parent country, and now consider themselves, and are considered by the world at large, as natives of the American continent. They warred against each other for obtaining supremacy on that continent. But, whatever their wars *inter se*, the aboriginal children of the soil were alien to them all. Or, if any mixture did take place with the natives, the off-springs of such mixing were described and despised as half-breeds, with whom no social intercourse was permissible, and to whom no political status could be accorded as citizens. These half-castes, however, have, in course of time, strangely revenged themselves. They are now in charge of the supreme governance of the larger portion of the American continent, particularly in the South, utterly independent of their "*parent*" countries.

The Negroes were brought to America, in the first instance, as slaves; and have remained so for hundreds of years, without any status as citizens, even when any of them were freed. The problem of the Negro still remains unsolved, even in the

country calling itself the most civilized and liberty loving, or God's own country upon earth. Though slavery as such has been abolished, in so far as it implied the right of ownership of one human being over another, the civic position, rights, and privileges, of the Negro population in America still remain far from equal to those of the White Settlers in the country. Compared with the horrors of slavery, and the indignities of ostracism to the ex-slave, the fire and rifle seem to have been far more merciful to the Indian braves. While the Red-Indians were, by a systematic policy, to a large extent exterminated, at least in North America, the Negroes were not, for a long number of years, restrained in numbers, as they provided the cheapest labour for the economic development of that country. The subjoined figures indicate the magnitude of this problem even in "God's own" country.

POPULATION OF THE UNITED STATES.

(Figures for the year 1930) *

White	Negroes	Mexicans	Indians	Chinese	Japanese	Others
108,864,207	11,891,143	1,422,533	332,397	74,954	138,834	50,978

*Residents of Hawaii, Alaska, Puerto Rico, the Phillipine Islands, Guam, Samoa, Virgin Islands, and Panama Canal Zone, and persons in the military and naval service stationed abroad, are not included in the figures of this table. The residents of Indian reservations are included. (This table is compiled from the *Statesman's Year Book*, 1935.)

In addition to the above table of racial minorities, there are, in the United States of America, considerable minorities from European countries. The 1930 census showed 13,366,407 foreign born whites, and 25,361,186 native whites of foreign or mixed parentage. The following table* shows the figures and the countries of origin of the most important "national" minorities in the United States of America.

(Figures for the year 1930)

Country	Foreign born White	Native White of foreign or mixed parentage	Total foreign White stock	Percentage distribution		
				1	2	3
Germany	1,608,814	5,264,289	6,873,103	12.0	20.8	17.7
Poland	1,268,582	2,073,615	3,342,198	9.5	8.2	8.6
Russia	1,153,624	1,516,214	2,669,838	8.6	6.0	6.9
Italy	1,790,424	2,756,453	4,546,877	13.4	10.9	11.7

The problem, however, in their case is not at all acute; and, in any case, certainly not of the type it has become in Europe.

Since the World War of 1914-18, a new species of minorities has been created, which has acquired inordinate importance. They have been

*This table is compiled from the *Statesman's Year Book*, 1935.

the subject of a series of international treaties, and special guarantee by the League of Nations. The break-up of the two great Empires of Central Europe, Germany and Austria-Hungary; and the constitution, out of the component parts of these empires, of new States, like Poland, Czechoslovakia, Jugoslavia, Hungary, has led to the creation of "*National Minorities*," which are radically different from the racial, or religious, or even national minorities we have considered so far.

Apart from the Jews in all these States, who constitute a problem in themselves, the National Minorities need not necessarily be different in religion from the majority of the population of the new country they have been thrust into, by the realignment of the boundaries of States created out of the old Central European Empires. Germans may be Catholics as well as Protestants, whether situated in Bohemia or Moravia, which formed part of the now suppressed state of Czechoslovakia; the same is true of Poles in parts of Germany, Hungary, or the erstwhile Czechoslovakia. They are also not different in race, substantially speaking. Barring some Magyars and Czechs, the greater proportion of the population, distributed across the new state boundaries, were all of Indo-European

stock, intermixed and diluted in varying degrees with Turks and Czechs and Magyars, not to mention Jews, and Moors, and Arabs. There is nowhere in the world a really pure and unmixed race, in spite of whatever the prophets of modern Fascism may say.

What, however, has marked the new creations with an aggressive individuality of their own was their intense consciousness of "national" difference from their neighbours and new compatriots. They differed from the majority in the new State, and suffered actually from a consciousness of having been torn by force from their parent State, and thrust into another State, where they had been previously accustomed to rule, or be in a privileged position. The loss of these privileges and opportunities,—which the majority in the new State often did everything in their power to accentuate,—inevitably engendered the feeling that their status and privileges were being destroyed, and their rights and liberties undermined by the dominant majority of the new State, which had till then been submissive and dominated by the new minority.

The ideal of democracy holds majority rule to be the foundation of all forms and institutions of government. This ideal was the governing

principle of the new States, and was eminently calculated to prove unequal to the strain of adequately safeguarding the rights of all citizens, however they differed *inter se* by custom, religion, or modes of thoughts and expression. The majority wanted to assert themselves, and make the most of their new opportunities in an hundred intangible forms, which all combined to exploit and embitter the minorities.

The pull on these "national" minorities from their parent States, moreover, though weak in the first few years, began to be gradually more and more insistent and emphatic. The result was, that every time the position of these minorities seemed to be threatened or imperilled by any action or policy of the majority, the parent State, like Germany, claimed the right to protest and complain, and intervene as guardian. This claim gradually ripened into a demand that these peoples, separated from the parent stock by force, must be reunited, by reason if possible, by force if necessary.

The method of an international guarantee of minority rights in respect of such national minorities, adopted by the League of Nations and the Covenant made thereon, was more provocative than helpful. For the intervention of the international

authority, itself rather vague and ineffective, was always tardy and unfruitful. It took place rather by counsel and suggestion than by executive authority. A local majority, intensely conscious of its new-won power, and anxious to speed up its national revival, could easily contravene or frustrate the intentions of the League of Nations, by administering the territory containing the minority as part of the national State, in such a manner that, while appearing to respect and safeguard the rights of minorities, in fact subvert them.

These minorities were, furthermore, doubly conscious of their changed position, not only because of the memories of their historic past, the achievements of their race, their language, and their culture, but also because of their living in fairly contiguous areas, in a more or less solid mass. The result was that the ventilation of grievances became easy and frequent, and the sense of resentment grew in consequence.

The table opposite page 16 shows the extent of some such European Minorities Under Treaty Protection.

The principle of self-determination, which was accepted as the ideal for determining the boundaries of new States at the end of the World War

of 1914-18, and the Peace Treaties which followed, was liable to grave abuse. Such abuse was due to the possibility, inherent in the principle of a mere majority rule as indicated by the numerical strength of nationalities. A mere numerical majority is not always right. All that they decide by the mere strength of numbers need not be wise, just, and proper for all concerned, whether of their own stock or for the minorities. It is a matter of common experience that the majority in every State,—democratic or otherwise,—is uneducated, ill-informed, prejudiced, and superstitious. It is, therefore, seldom in a position to judge wisely, and act fairly, where the individual has to forget the self in the desire for attaining the maximum of common good. The instinct of the minority, therefore, in apprehending oppression or tyranny, whether justified or not, has more than a substratum of truth, in the inherent defects of the new systems set up after the World War of 1914-18. And the New War has come, by the professions of some of the belligerents in part at least, to undo the mischief ingeminated by its precursor.

The root cause of this new problem of minorities lay, indeed, in the conception of the rights of the Sovereign States, and their method of

government by democratic forms and machinery. Democracy,—invented for the small body of free-men in the City States of ancient Greece, and suitable on the scale of an Indian Village,—is a tricky business when applied on a grand national scale. Faced with an inexhaustible force of individualist greed as the only motive power in a competitive society, democracy ends by becoming the tool of demagogues and the plaything of oligarchies, a cloak of respectability for cliques and a mantle of absolution for exploiters. Political democracy, without social equality in competitive individualist society, is bound to end in Fascism, open or disguised. In Rome, the Republic was ended by Caesarian Imperialism; in France, the Revolution was transformed into Napoleonic Aggression; even in Russia, Communism seems to be converted into Nationalism, and the World Revolution has to await the convenience of Stalinism.

This does not mean that democracy, *per se*, is to be condemned. Nor does it imply that its adoption is unlikely to remedy many an ill of the modern body politic. Indeed, its *modus operandi*, through representative institutions and responsible ministries, coupled with as large a measure of

decentralization; and devolution of authority from the centre to the local governing units, as possible, and supplemented by such devices as Referendum, Initiative, or Recall, seems, under existing conditions and the known trend of their growth, to be the only solvent of the problems of modern government in large countries of dense population. But the mischief lies in introducing democracy in a competitive society ravaged by the greed of the individual, still unredeemed from the habits of the jungle and the instincts of the beasts of prey. Democracy is often said to be the forerunner of Socialism. Its only chance for real existence lies in a radical reconstruction of the social system, and a fundamental re-education of the individual, from a competitive combatant valuing everything in the exclusive scales of personal gain, into a rational, intelligent, social, being, anxious to cast off the scales which obscure his vision, and shed the bonds that tie him to the earth; self-controlled and self-disciplined, with a view more effectively to co-operate with his equals; master of his passions, lord of his emotions, actuated by reason, and educated to perceive his own good only in the welfare of his fellow-citizens. It is only then that democracy would be a success in practice, however admirable it may appear in theory.

Of the various types of minorities we have described so far, none has attracted so much attention as the so-called "National Minorities" in some modern European States. They are not the same as the minorities we have to face in India. But their history and experience may shed light on some of the most darkened corners of the problem in India. We shall, therefore, consider in the next chapter their origin and treatment, before proceeding to consider the Indian problem as such.

CHAPTER II

NATIONAL MINORITIES & INTERNATIONAL GUARANTEES.

The National Minorities, here considered, being, really speaking, of a political character, must be distinguished from the ordinary political minorities within a homogeneous community, like England or France. Such minorities will always be found in democratic countries, where party rule is the order of the day. But these minorities are not permanent and ineffaceable. They are in the shape of parliamentary opposition, which has every hope to turn itself into majority, by the same process that has brought about the majority at a given moment. Thus it happens that the minority in opposition to-day may well expect to be the party in power to-morrow, after the verdict of the electorate has been obtained at a general election. Those claiming to follow a policy different from the party in power, and, obtaining support of a majority of electors, may thus demand to replace the government of the day. The doctrine of popular sovereignty is the basis of this system;

and, despite all its inherent limitations, works pretty successfully as a substitute for real democracy.

The most convenient *modus operandi* of this system is a two-party political framework, the greater portion of which is really common to both parties. The line of demarcation is neither essential to the life of the people, nor immutable. Even when a third party arises,—as in the United Kingdom when Ireland was part of the State, or when Labour became a formidable body,—this essential peculiarity of British political life remained unchanged.

In France, too, though there are a number of political groups, divided *inter se* by minute shades of political differences, the government of the day is almost always a coalition of such of these groups as command a majority in the Legislature for the time being. There is no minority, except perhaps the Alsace-Lorraine block, in the sense of a body constituting a permanent, inassimilable, irreconcilable group, with affiliation or loyalty outside the State of which they are nationals. As a leader of the Communist Party put it: "We are Communists in France, but Frenchmen outside".

In the United States, again, though there are considerable numbers of citizens of European stock different from the Anglo-Saxon people* who form the main block of the nation, the problem of "national minorities," does not show itself in the form in which it manifests itself in certain countries of Europe. The reason is two-fold. The vast distances that separate the United States of America from the countries of birth or origin of these Germans, Poles, Russians, or Italians, settled and naturalized in America, makes the pull of the mother country of these settlers feeble in comparison. They may profess loyalty to the culture, and take pride in the history, of the countries they or their ancestors hailed from. But that pride and loyalty are, of necessity, artificial, and cannot be aggressive. Nor can these countries of origin support them, in the way the German minority in Czechoslovakia was abetted and supported by Germany, when it rose against the dominant majority in that State. And, secondly, the American constitution is, on the whole, so liberal, the country is so rich in opportunity and resources, and the traditions of life so peaceful, that there is no real reason for any such minority to feel actively dissatisfied.

* Table *ante*. page 14.

This reasoning may not apply to the Negroes, Jews, or Red-Indians, in its entirety. But for them there is no other state than the United States to find their self-expression, and, therefore, they have no opportunity of forming a minority problem.

The Weimar constitution of the post-war German Republic had, while it lasted, essentially the same political organization. It sought, however, to provide self-expression for political minorities, by the device of Proportional Representation, which tended to weaken the basis and fabric of the new State. The growth of the Nazis, and the creation of a One-Party State, are as much due to the fundamental injustice of the Versailles Treaty, as to these mistaken attempts to apportion political power in proportion to numbers. For the groups, thus combining from time to time to form the governments in post-war Germany, were essentially heterogeneous; and, therefore, unwilling and unable to work in concert to the same goal.

But political minorities of a more lasting nature, however, are not unknown in European countries. The Communist, for example, is in a very sad minority in these countries. He has very little scope, as things stand, of forming a majority by the conversion of his fellow-citizens to his own

party, or even by coalition with other parties, so as to be in a position to form a government according to his lights. His political philosophy and social programme, make him so radically at variance with all other shades of political opinion in individualistic society, that it is impossible for him to be assimilated with any other group.

In countries like Fascist Italy, or Nazi Germany, there is no other party, except the party in power. All other political groups, not seeing eye to eye with the party in power, are, therefore, necessarily excluded from the opportunity to form a government, and administer the country's affairs. All sorts of devices have been adopted in these countries to eliminate the "opposition," or any party, other than the official party of those in power; and so the doctrine of One People, One State, and One Leader, has gained an increasing importance.

Even in a country like Russia, professedly founded upon the communist ideal, though the Dictatorship of the Proletariat is indispensable only during the transitional stage, any opposition from elements not congenial to the dominant ideology has inevitably been exterminated or eliminated. The fate of the Kulaks, even after Communism had been

established for ten years in Russia; or of the *Neppmen* after the death of Lenin, is a clear admission of the intolerance of the ruling elements towards any desire to dissent from them.

While the distinguishing feature of the racial, religious, linguistic, or national minorities is their enduring character, the mark of the political minority is its fleeting nature. But even the racial, religious, linguistic, or national minorities are not impossible to be effaced, if only genuine efforts are made, and sincere co-operation is available from all quarters concerned, to assimilate such minorities, and make out of them a homogeneous people. In any case, their civic rights and material opportunities can be easily placed on a footing of perfect equality with those of the majority communities, so that the real sting of being in a permanent minority in a democratic State may be removed. Methods have been devised and employed in varying degrees, and with varying success, by different countries, to bring about, if not complete elimination of such minorities, by assimilation into the majority, at least such a degree of adjustment in the standard of everyday life, as to soften and tone down the outstanding barriers, and prevent them from developing into irreconcilable differences.

Social institutions, for example, like education, marriage, or family life, can be, and have been, utilised to develop a growing sense of unity and equality amongst the different peoples living in the same national home, so as to remove bitterness, estrangement, or antagonism. In every civilized community, the ideal at least seems to be to maintain common schools and compulsory education, with an identical curriculum for all classes of citizens. In the United States, for example, while no citizen is debarred from cultivating his own mother-tongue, all must, however, learn English if they want to be citizens of that State. While every one is free to follow his own religion, the State has no official religion; and is, therefore, equally impartial or indifferent to all.

Although this ideal may be liable to exceptions of a temporary character, more or less justified, its essential soundness, from the point of view of social equality and national solidarity, cannot be questioned. When, however, in one and the same people, there are sections which have difference in language, culture, religion, or customs and usages, common schools with identical curriculum may be handicaps which might antagonize those who want to emphasize their own distinct

culture, language, script, or mode of life and thought. Respect for such characteristics of national individuality is, in the accepted ideology of our time, difficult to gainsay. Exceptions have, therefore, to be introduced, for the sake of internal peace and harmony, and also for minimising occasions for differences. Separate schools are, therefore, allowed and maintained *pro rata* at public expense, at least in the primary section of the national educational system. Here each such separate linguistic section may have opportunity for its children to learn their own mother-tongue, and have instruction through its medium. But, even so, the study of the common national language has to be made compulsory, at least in the higher strata of the educational system; and, in the highest stage, like the University maintained at public cost, it is made the medium of instruction.

The same may also be said of the other two fundamental institutions: marriage, and family life. Full recognition of marriage as a civil contract, irrespective of racial, religious or national differences, has appeared to many to be a solvent of the minority problem, in most of the forms in which we notice it to-day, if the sense of exclusiveness is to be eliminated. The

advantages or disadvantages of such a solution can well be imagined. However, the desire of the progressive society to convert marriage into a civil contract, and rationalize it in all its incidents and consequences, as an association of equals freely consenting to such partnership, is being enshrined in the Civil Marriage Law and customs of modern countries. Where the distinctiveness in sentiment of communal minorities is very strong, the process of rationalizing marriage as a civil contract must be very slow. It is, moreover, apt to be obstructed by communal prejudices rooted in the public mind by centuries of observance. In such cases, it may be well to proceed slowly, and not to antagonize needlessly any section of the people by an untimely display of excessive enthusiasm. Legislation, besides, in such matters can only be permissive, not compulsory; while the force of usage can only be counteracted by the very slow process of education.

Family life, being founded on marriage and conditioned by it in a large measure, will necessarily follow the revised conception and secular aspect of marriage. The rights of children as well as of the parties to the marriage will become increasingly more and more in the

nature of civil rights, rather than occasioned and maintained by any other influence.

The same purpose is served by the abrogation of the exclusionist legislation and practices, so as to efface the brand of ostracism or exclusiveness of any section of a people. If there is a genuine desire for such solidarity, we must endeavour to prohibit and penalise every custom, usage, or practice, which in any way tends to such exclusiveness and ostracism. The Jim-Crow cars of America must be as much a ground for offence, as the Ghetto for the Jews in some European Countries, or the Pariah Wards for the Hindu Untouchables in many an Indian Town. All institutions or establishments, needed for the daily life of the people,—such as, schools, means of transport, places of food and water supply, etc.,—must be provided on identical lines for all sections of the community. There must be no exclusive right of use or access to these. This alone will foster and develop the sense of oneness, and eliminate the sense of exclusiveness.

Under democratic forms of government, the equality of civic rights must be an axiom. All citizens, no matter to whatever creed, class, or race they belong, must be assured equal rights for voting at public elections, standing as candidates

to public offices, including the supreme cabinet, and enjoying equal chance of employment in public services. There are ways and means, no doubt, of circumventing this theoretical inequality of citizens. In proportion to the success of these obstructive devices, the sense of grievances amongst the minorities also tends to grow. Various methods have been devised, therefore, to make such grounds for resentment as infrequent as possible. Proportional representation, separate electorates, reserved seats, or guaranteed minima of opportunity and employment, are among the chief of these devices. These make the sense of equality more real, and the influence of the individual more effective in the government of the country. Specific guarantees also have to be provided for, as defined in the Fundamental Rights of Citizenship, which even the ordinary amendment of the Constitution cannot affect.

Differences of race or language may, thus, be overcome or neutralised. Those of religion are more difficult to be overcome, in so far as religion continues to be an important factor in social organization. But even that would yield to a progressive application of secularisation of the

State, and its machinery of government, and an increasing equalisation of all opportunities.

The problem of minorities, as we face it to-day all over the world, is thus largely "artificial, arbitrary, and transitory." It is "artificial," because there is nothing intrinsic in the position and working of the peoples, calling themselves minorities in a country, which must make it impossible for them to find equal work and employment, or self-expression and self-realisation, open to the other citizens of the same country. Nor is it really impossible for them to obtain power and influence, in proportion to their ability, from the people they live with,—unless, of course, they choose to remain in an exclusive compartment of their own. Impediments may, no doubt, be placed in their way; and conditions of life may be made more difficult for them than for others, because of the excessive zeal of the majority to assert themselves, and to monopolise for themselves the best of profit and power. This, it must be admitted, is the inevitable concomitant of modern, aggressive nationalism, and renders hateful the very name of patriotism, to all those who desire the liberty, equality and brotherhood of all human beings, irrespective of race or religion, country or culture. Even

democracy, as a form of government in such countries, becomes unwelcome and unwanted, not because it is a weapon, in the hands of the majority against the tyranny of a monarch, or the exploitation by an oligarchy, but because it appears in the guise of an instrument of exclusion and oppression, by the numerically strong over the numerically weak. This offends our sense of chivalry, as much as the code of ethics; and as such, every thoughtful mind becomes engaged in the search for remedies against such an impossible situation. .

The principle of nationalism, asserted even against citizens of one and the same country, in the name of the superiority of one race, one religion, or one culture, over another, may, logically applied, result in a smaller and smaller number of people, whose supremacy must be accepted. It may lead to Plato's Philosopher-King; more likely, it may result in the Whiggish Oligarchy; or, still more likely, in the Nazi Autarky. This would bring about its own extinction by its very excesses. For, if the country is different from the rest of humanity, and, therefore, from other countries, the several parts of the country may feel a sense of difference as between themselves. The several classes in one and the same country may also

generate a feeling of difference. This process of mutual internal opposition would reduce the sense of solidarity to such a degree as to make the country's machinery of government unworkable.

Taking a somewhat ludicrous example, this would mean that, in the United States, the supremacy of the White race would have to be accepted over all others; among the Whites, that of the Nordic, or Teutonic, over the Latin; amongst the Nordic, that of the Anglo-Saxon; amongst the Anglo-Saxon, that of the New England people; amongst them, that of the Massachusetts, and particularly those educated at Harvard; and amongst these, the direct descendants of the Cabots and the Lowells, who are in possession of income over a million dollars a year apiece. All others must acknowledge their lordship, prostrate themselves before their wisdom, and be content to be ruled by their power, guided by their wisdom, and aided by their influence. This needs but to be stated to be proved impossible.

The problem of the minority is also "arbitrary," in as much as no objective standards have been invented to indicate the comparative excellence of one culture, one religion, or one race, against another. The famous doctrine of racial superiority

of one people over another is based only on mere assertions, despite attempts at giving it a scientific turn. Every race, and every form of culture, has contributed something to the richness of the human heritage. Every race has mixed with others, and every culture has borrowed from others in the centuries during which they have flourished. To recognize this richness, and this borrowing is only to understand the true working of the forces of human advancement. But the excessive emphasis laid by the votaries of a given faith, culture, or race, upon the excellence of their own peculiar birth, belief, or heritage, is apt to generate a corresponding reaction in favour of other religions, races, or culture. This is bound to weaken solidarity, and generate a feeling of difference or division in the people, even when they live in the same area.

This has no scientific, historical, or objective basis. Until, if ever, we are able to find some reliable scientific touch-stone as regards the comparative merits of any race, religion, or culture; and are able to determine the real contribution, actual or potential, to the happiness of mankind, by such people, their creed, or their civilisation, we have no right to indulge in such invidious comparisons. There is no race unmixed, no culture

uninfluenced, no religion unleavened, by the influence of others; and so to attempt to set up any one of these as dominant over all others would be to cut off at the source the streams of culture and civilisation, and even turn back the course of human progress.

We consider the present day problem of minorities to be also of a "transitory" nature, even though differences of religion are involved. If religion is eliminated from the scheme of social organization, and if that organization is converted entirely into a secular mechanism,—leaving religion to be the private, intimate concern of each individual alone, in which his fellows and neighbours need have no part,—there is no reason why even minorities based on religion should be permanent, ineffaceable, and of an unending character. The State is a secular institution; it is concerned only with the material well-being of the people. In that, religion should have no place.

The problem of minorities, therefore, really consists only in a feeling, that the people finding themselves in a minority are fated to be for ever weak, just because of their being in a minority. It is due to the fact, that such people believe they are impossible to be converted into a majority by

any action of the Community, or its representative, the State, or its organ of action, the Government.

LEAGUE OF NATIONS' GUARANTEE OF MINORITY RIGHTS

Before we consider the peculiar case of India, let us cast a glance at the minority rights, and their safeguards, in the new States created after the World War of 1914-18. There, the problem was a question of national minorities, divided from the majority by race, religion, or tradition. It was, and is, a very acute problem, even though artificial and arbitrary. The lessons learnt, in trying for more than twenty years to solve it, may throw useful light upon our particular problem in India.

The basic principle of the new system is, that specific rights of minorities are defined, and placed under the guarantee and control of the League of Nations. Their rights are embodied in Treaties between the signatory States, who are members of the League of Nations. By this arrangement, instead of any single State, or group of States,—e.g., France, intervening in the affairs of Italy in 1859,—taking it upon itself to redress the grievances of other peoples, the Council of the League of Nations

is authorised to act in regard to any breach, or threatened breach, of minority rights in States, where the majority in power is likely to be hostile to such minorities. The minority, as such, is not recognized as an international personality. Nor has it any right to approach directly the League of Nations. One of the signatory States to the treaty, or a member of the Council of the League, can alone bring to the notice of the League the infraction, or possible infraction, of the rights of minorities guaranteed by the League by treaty with a signatory State. In the case of States complaining, who are members of the League Council, or signatories to the treaties, it is necessary to refer, at the option of such a State, the matter to the Permanent Court at the Hague, "for an advisory opinion." The Council is competent to discuss any infraction of the treaty, if its attention is drawn by one of its members. In the case of any dispute between a member of the Council, and the signatory State, against which such complaint has been lodged, "any question of law or fact, arising out of the provision of the treaties," must be referred to the Permanent Court, at the option of the member of the Council. If the dispute is with a State not a member of the Council, the general conventional provisions will apply.

Arbitrary intervention of individual States is thus sought to be eliminated. The collective intervention of the League of Nations, as a whole, ensures, on the one hand, the signatory State responsible for the due observance of the rights of minority which it has undertaken by treaty to respect, against any intervention in its internal affairs by any other State; and, on the other, assures a judicial consideration of the alleged breach, or threatened breach, of the guaranteed rights of any recognized minority.

While it is left to a member of the League Council to require any question relating to law or fact, arising out of the treaties, to be referred to the Permanent Court of the League, any State, whether a member of the Council or not, can invoke the provisions of Articles 11-17 of the Covenant of the League, in regard to the protection of minorities.

The rights guaranteed to the minorities, which are described as "racial, religious, or linguistic", are contained in the treaties made with new States set up in 1919-20, or in the declarations made by some of these States before the League of Nations. A standard pattern of these rights is contained in

the treaty with Poland, a short summary* of which is given below:—

1. Poland undertook to assure full and complete protection of life and liberty of all inhabitants of Poland, without distinction of birth, nationality, language, race, or religion.

2. All inhabitants (not only citizens) of Poland are entitled to the free exercise, whether public or private, of any creed, religion, or belief, whose practices were not inconsistent with public order or public morals.

3. Inhabitants of regions made part of Poland, under the arrangements which set up the State of Poland, were admitted to be Polish nationals without any formality. But those inhabitants over 18 years of age, who desired to retain their former nationality,—German, Austrian, Hungarian, or Russian,—would be entitled to retain their nationality. Such option exercised by a husband would include his wife, and by parents would include their children under 18 years of age. Those who exercised such right of option were, however, required within a year to transfer their residence to the

* This summary is compiled from "National States and National Minorities" by C. A. Macartney; and Great Britain: Treaty series, Vol. 112, pp. 232 ff; History of the Peace Conference, Vol. V, pp. 437-42.

State for which they had opted, retain their immovable property in Poland, and allowed to carry all their movable property with them. No export duties were to be charged on such transfer of movable property.

4. All persons of German, Austrian, Hungarian, or Russian nationality, who were born in these territories, of parents habitually residing there, were to be admitted as Polish nationals.

In their case, the right was allowed to make a declaration, before competent Polish authorities in the country they were residing, stating that they desired to abandon their Polish nationality. On such a declaration being made, they would cease to be regarded as Polish nationals. The same provision, as regards the declaration by a husband including his wife, and by parents including their children, would apply in this case also.

5. Poland bound itself to put no obstacle in the way of the declaration of these rights of option provided for in the treaties with Germany, Austria, Hungary, or Russia. Those born in Polish territory must be regarded as Polish nationals, if they are not born national of any other State.

6. In Poland, all Polish nationals are equal before the law. All enjoy the same civil and

political rights, irrespective of race, language, or religion. Differences in religion do not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, such as admission to public employment, functions and honours, or the exercise of any professions and industries.

7. No restriction must be imposed on the full use by any Polish national of any language, in private intercourse, in commerce, in religion, in the press, or in publications of any kind, or at public meetings. This does not debar the Polish government from having an official language of the State. But if such an official language is established, adequate facilities must be given to Polish nationals of other than Polish speech, to use their national language in speech or writing before the courts.

8. Polish citizens belonging to racial, religious, or linguistic minorities are assured the same treatment and security, in law and in fact, as all other Polish nationals; and particularly, they have equal rights, to establish and control at their own expense charitable, religious, and social institutions, schools and other educational establishments, along with the right to use their own language, and to exercise their religion freely therein.

9. In the public educational system of Poland, both in town and country, wherever Polish nationals of other than Polish speech were to be found in considerable proportion, adequate facilities must be provided to ensure, that, in the primary schools, instruction is provided to the children of such Polish nationals through the medium of their own language. Polish language may, however, be made compulsory by government as a subject for instruction in these schools.

10. Wherever in town and country, there is a considerable proportion of such Polish nationals, belonging to racial, religious or linguistic minorities, these minorities are assured a share in the enjoyment and application of the money which may be provided out of public funds by the State, municipal, or other budgets, for educational, religious, or charitable purposes. Provisions of this article apply to Polish citizens of German speech, only in that part of Poland which was German in August 1914.

11. Educational committees appointed locally by Jews in Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools. The right of using their own

language, also, applies as regards these schools. Jews are not compelled to perform any act, which constitutes a violation of the Sabbath, nor are they placed under any disability, because of their refusal to attend courts of law, or to perform any legal business, on their Sabbath. But this would not exempt them from such obligation as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence, or the preservation of public order.

12. On the other hand Poland declared her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor would registration for electoral or other purposes be compelled to be performed on a Saturday.

13. Poland agreed that the stipulations in the preceding articles, in so far as they affect persons of racial, religious or linguistic minorities, constitute "obligation of international concern." These are placed under the guarantee of the League of Nations. They should not be modified without the assent of the majority of the League Council. The United States, British Empire, France, Italy, and Japan, agreed, that such consent would not be withheld, if the majority of the Council of

the League of Nations had already assented to such modification.

14. Poland also agreed that any member of the Council of the League of Nations had the right to bring to the attention of the Council any infraction, or danger of infraction, of any of these obligations. The Council may thereupon take such action, and give such direction, as it may think proper and effective in the circumstances.

15. Any difference of opinion as to questions of law or fact, arising out of these Articles, between the Polish Government and any member of the Principal Allied and Associated Powers, or any other Power, which was a member of the League Council, must be held to be of an international character, under Article 14 of the Covenant of the League of Nations; and, as such, it must be referred, if the other party so demands, to the Permanent Court of International Justice; and the decision of the Court must be final.

ARE THESE RIGHTS ADEQUATE?

The rights included in this Treaty not only guaranteed and assured complete equality of civic status, but specially mentioned certain rights, which are regarded as the essence of the minorities'

particular requirements, and which are considered in fairness to be their due. Thus the use of their own language in courts, and its cultivation in public schools, the freedom of worship, the right to employment *pro rata* in the public services of the State, and representation in the government institutions of the new State, may all well be considered as covering the sum total of the individual's activities in the daily concerns of life. If these are properly observed, there should be no ground to complain on the score of any denial of freedom or opportunity in social life. The difficulty lies, not in the inadequacy of the rights guaranteed, but in the possibility of evading all such guaranteed rights, so as to give ground for dissatisfaction and complaint.

The main defect, however, of the machinery set up by the League Covenant, and the treaties thereunder, lies in the fact that the minorities as such have no legal personality in International Law. They cannot, in their own name and directly, complain to the League about any infraction, or threatened infraction, of the treaty provisions regarding their guaranteed rights by the authority of the State in which they reside. This means that those who actually suffer from such infraction, or fear to do so, are not entitled to complain to

the body guaranteeing their rights; but must rely on an outside authority to take up their cause. This is obviously improper, and makes the situation more difficult. Though there is a conscious^{ness} of rights, there is no means in the hands of the party guaranteed to guard against any infringement of such rights.

The member of the League Council, drawing the latter's attention, must do so as regards "matters of law or fact," and not mere tendencies. Such a member moving in the matter may have its own motives for its interventions; and those motives need not be undiluted concern for the just rights of the minorities only. In fact it opens the door wide to the minority in one State, having constant dependence on the majority in another State; to add to the volume of friction between these two States. The intervening State may make the occasion for such complaints a weapon for its own concealed aggressiveness. The minority complaining may, in its turn, use this opportunity for adopting an intransigent attitude towards the government of the State they live in.

The opinion, again, of the Permanent Court, even when it is possible to obtain it, is of an advisory character only. The decisive authority,

if there is any, resides in the Council of the League; and that body is not always bound, nor has the means, to give effect to such an opinion.

Because of these restrictions, the system is neither expeditious nor effective. The obligations, moreover, of the signatory States are confined only to the treaties, and not to anything else. As the affairs, which can be thus brought to the attention of the League can only concern items included in such treaties, and which are in actual or threatened violation of the rights of minorities, it means that, while technically there may not be any such breach, the spirit of guaranteed protection to the minority seems to be very much open to evasion. The treaties are legal documents. In interpreting these there is always room for the human capacity to err, even when the *bona fides* of the interpreting authority are beyond cavil. And, being human creations, they cannot provide against all future developments, impossible to foresee at the time they were concluded.

The League, besides, has no real, effective power to enforce its decision, even when it is convinced that a breach of minority rights has in fact taken place. The futility of the "sanctions" provided in certain articles of the League Covenant,

was but too painfully made prominent in the case of the recent Italo-Abyssinian War. They make a very vague, shadowy obligation, which can be easily evaded, or frustrated, by a determined State supposed to be at fault. Intervention in the domestic concern of any individual State, even when it is authorised by treaties, is always difficult. And the experience of the working of the League Covenant, in all these years, goes far to show that the machinery of the League, as it was between 1920-1932, is not calculated to help effectively in this matter.

It is, accordingly, impossible to find in this precedent any assurance of proper safeguards for the rights of minorities. The Indian question is, indeed, not at all on a par with the one just reviewed, not only because the minorities in India have not come to us from other States, but are a part and parcel of ourselves, the flesh of our flesh and the bone of our bones; but also because there is everything in common between the peoples of India calling themselves followers of different religions, and nothing, but an artificial canker of jealousy and distrust to divide them. We shall, therefore, consider the Indian problem now by itself. The present consideration of the precedent and analogy was only undertaken to convince those who claim that the League of Nations model would suffice to solve our problem.

CHAPTER III

BIRTH OF THE PROBLEM IN INDIA

The minorities problem in India, as we face it to-day, is comparatively of very recent growth. Hindus and Muslims, Budhists and Christians, Sikhs and Jains and Parsees, have been in this land for centuries. Racial and religious differences between them have continued ever since these religions took root on this soil. But long before Europe and America, India had realised the wisdom of religious toleration. The emphasis on difference in religion, race, or nationality had weakened, if it had ever existed, even in the classic days of the Maurya and the Gupta Empires. Certainly, these difficulties never prevented people of different religions in India to live together, under the then accepted order of society, in peace and harmony.

The idea of a common Indian nationality, or a single country with a uniform allegiance, is, also, relatively recent. India was a single political unit, indeed, more than once in our historic past. And whenever it was welded into one State, the unity lasted for generations, if not centuries. But

centuries have also intervened between one epoch of national unity and another; and during the interval, chaos was but faintly punctuated by memories of such unification. The basic unity induced by a common mode of life and thought had been introduced from pre-historic days. It persisted even after the most powerful and extensive empires had perished. Historically, it is true that, time and again, attempts have been made to consolidate the entire sub-continent of India under one rule, and, therefore, in one State. But these have been rather imperialist attempts of fortunate or successful individuals to conquer and combine the various parts of the country under one rule, than an evolution of the inherent solidarity of the Indian people. The combination lasted, while their luck endured. An Indian Empire, embracing the whole of the sub-continent and something beyond the natural frontiers of the seas and the mountains, was an accomplished fact in the days of the Mauryas and the Guptas. Their memory or tradition seems never to have died out, even though their heritage dwindled and decayed in the hands of their weaker successors. The later experiment of the Muslims, which came to a magnificent head under the Moghuls, was also of the same type, and has left more recent memories.

of union and consolidation, which serve to-day as much to unite as to divide the different communities in this country.

But even after the Moghul achievement, or its Mahratha recrudescence, a whole century intervened of anarchy and dispersion. During this, each little princelet asserted his sovereignty, only to succumb to the new wave of imperialism rushing in from the West. The British, when they became established as the sole power in India, sought to revive and cultivate the national idea in India, to consolidate their conquest. Thanks to that impulse, the ideal of India's national unity came to be universally accepted. Whatever its strength to-day, it has begun to meet with considerable opposition, not only from the non-Indian vested interests, who feel threatened by the surge of Indian nationalism, but also from a considerable proportion of Indians themselves.

It must, however, be added that, while the imperial idea has never been absent from the Indian soil, the national idea, as we now understand the term, is a new growth. The imperialist unifier of the olden days warred as much against his own co-religionists, as against those of an alien faith. The earlier Hindu empires had been brought about by the invasion and subjugation of

other Hindu States then existing; and the Muslims, particularly the Moghuls, were no less aggressive against other Muslims than against non-Muslims, in India and outside India. Even the staunchest of the Muslims, the last of the Great Moghuls, Aurangzeb, invaded, conquered, and annexed the Muslim States of Bijapur and Golkonda with as much thoroughness as he did the dominions of the Rajput or the Mahrathas.

While the unification of India under one ruler was thus in the past more an outcome of dynastic or personal ambitions of great soldiers and statesmen, irrespective of the community to which they belonged, than any deliberate cultivation of the ideal of national unity, the modern consciousness of a single nationality is the unfulfilled hope of this country. The forms and ritual of Hinduism, its places of pilgrimage and variety of deities, have sown a certain sense of fundamental unity throughout the country irrespective of political frontiers. It had made the followers of that faith feel a degree of kinship with their co-religionists all over the land, which was necessarily strengthened by a common feeling of opposition to the Muslims. It must, however, be added, as the writer of the Government of India Census Report 1931 says :—

“Except perhaps to the few who understand its philosophical meaning, Hinduism

has no one distinguishing central concept. Superimposed on a heterogeneous people, differing widely from one another in race, language, and political and social traditions, and interests, the vagueness and elasticity of its system, and the protean form of its mythology, its ceremonies and its ordinances, have enabled it to absorb and overlap the various animistic systems which it encountered."

This feeling of kinship, particularly in opposition, was very much stronger amongst the Muslims. And because of their memories of domination in the recent past, carefully cultivated and kept afresh by the exigencies of modern politics, they have felt themselves united, and striven to make that unity more real to a much greater degree than is the case with the more amorphous mass of the Hindus. Muslims, like the Hindus, are scattered over the whole country, though the three-border Provinces of Sind, the Punjab, and the North Western Frontier, and the eastern extremity of the country, Bengal, contain together more than 70% of the total Muslim population of India.

But, even granting the fact of a sentiment of basic unity, amongst the Hindus and the Muslims, —who, between them, make up over 90 per cent.

of the total population of India,—it is far from developing a sense of uniform Indian nationalism and Indian patriotism, in contradistinction to a sense of a divergent allegiance of the followers of each religion to their own religion.

The sentiment of local provincial loyalty, which is fast developing,—if not as a rival to the religious sentiment, at least as a cross current in modern Indian politics,—is creating a new problem of provincial patriotism. This, though not unknown in India's past, is, nevertheless, making a new complication in the present-day highly intricate problem of minorities in India. The following table and the attached table of the constituents of the population of India, according to the Census of 1931, indicates the numerical strength of the respective communities in India.

DISTRIBUTION OF POPULATION BY RELIGION
AND THEIR PERCENTAGE THROUGHOUT INDIA.

Religion	Actual Number	Percentage
Hindus	239,195,140	68.24
Sikhs	4,335,771	1.24
Jains	1,252,105	.36
Buddhists	12,786,806	3.65
Parsees (Zoroastrians)	109,752	.03
Muhammadans	77,677,545	22.16
Christians	6,296,763	1.79
Jews	24,241	.01
Tribal	8,280,347	2.36
Minor Religions and Religions not returned	571,187	.16

While the British Dominion was being consolidated, there was no need to adopt a communal line of advance for the new masters of India. The British were indiscriminately warring with the Hindus as well as the Muslim powers. In these wars, the Hindu and Muslim States allied themselves against their own co-religionists as often as against the British, and *vice versa*, to make war upon their nearest neighbours or rivals. The Nizam of Hyderabad, a Muslim potentate, joined as often the Mahrathas and the British in war against the Muslim ruler of Mysore, as the different members of the Mahratha Confederacy joined, at different times, with the British, or with the Muslims, to war against other members of the same Confederacy. The vicissitudes, again, of the British advance in the Gangetic plain, from Eastern Bengal right up to the gates of Delhi, involved frequent change of alliances and hostilities with the Muslim vicegerents of the Great Moghuls in these parts. And when the Red Line began to push beyond the banks of the Sutlej and the Indus, the British had the support of their Hindu, Muslim and Sikh allies, subjects, or feudatories, against the Sikh power in the Punjab, and the Muslim rulers of Sind or Afghanistan.

In the British Army, moreover, there had been Indian soldiers enrolled from all communities and provinces. Very little of communal difference could, therefore, be noticed, or emphasized, in that great centralising institution. The last great flare of Indian national sentiment, as against the British, was shown in the so-called Mutiny of 1857, in which the name of the Moghul Emperor was used to rally round both the Hindu and the Muslim forces in India. The back of that effort was broken, however, by the hearty co-operation of the Sikhs with the British,—but recently conquered and annexed to the British Dominion,—thanks to the memories of the persecution of their race by the Moghuls in the 18th Century. At this turning point in Indian history, therefore, it may be said that the consciousness of religious or local differences was beginning to be subdued, if it had been ever very acute in the past; and that a new consciousness of common allegiance and of a common nationality had just begun to grow.

Lest this brief analysis be in the least unfair to the historical past of India, it must be added that efforts of a more abiding character to weld the different races into one single nation were made, and lasting influences were at work in the

same direction, long before the British conquered India. The many social and economic bonds, introduced by the greatest of the Moghuls, led to a communion and cementing, which have persisted through all the centuries since Akbar breathed his last. The common Land Revenue system, for example, devised for and applied to all-India, by the great revenue minister of Akbar; the common currency, weights and measures; the common social hierarchy, represented by the Mansabdari system of the Moghul Court; even the experiments in inter-marriage, and uniform systems of dress and social courtesies,—all tended to create a sentiment of oneness, against such foreigners as the Portuguese or other Europeans, which have continued right up to the present time in their essence. Akbar's attempt at making a common religion in the Din Ilahi; his departure from the accepted Muslim tradition of domination over peoples of alien faith by the abolition of the *Jazzia*; and his desire to convert all states, principalities, and peoples of this country into a common obedience before the central authority at Delhi, may, no doubt, be said to have borne little fruit. But the credit for the foresight and sagacity of a great statesman and nation-builder in all this

cannot be denied; and the good-will and harmony generated during his time and for generations after cannot be questioned.

Since the definite establishment of British rule under the British Crown, a new turn has been given to the political evolution of India. Ideals of democracy or self-government have gradually taken root, not only in the form of the local autonomy of the village, or of the feudatory State, but also on a provincial and national scale. The first manifestation of these ideals was against the British domination, which was gradually perceived as being not so much in the interests of the governed as for the material benefit of the rulers. The bond of common subjugation and consequent exploitation, therefore, began to unite the educated and the vocal amongst the Indian people of all communities in their political consciousness against the British. Their growing resentment and disillusionment found expression in the establishment of institutions like the Indian National Congress. This was hastened by the rapid spread of the English language, which became a common speech for all those who had a vision beyond their immediate environment, and could plan for a span longer than their own life. The knowledge of the English language also opened the door to an

acquaintance with the history of other peoples, their culture and growth; and the importance of British ideals and institutions of political life were seen in a correct perspective, as also their reaction upon the national consciousness of India.

The obstacles which stood in the way of realising the nascent ambition of the Indian people, such as obsolete social customs and usages, prevented a full efflorescence of the Indian genius. These were attacked and considerably undermined, so as to permit of a sense of national solidarity being engendered. To-day, the internal differences amongst the Hindus occasioned by the caste and the system of untouchability, though not yet a thing of the past, are being universally denounced and discredited in every direction. It may, therefore, be well said to-day that caste is no longer in full force in the different parts of India, nor divides the peoples of India as it did in the past. The necessity, also, of close co-operation with all those who have settled in India permanently, and made this country their home, and whose interests are, therefore, identical with those of the mass of the Indian people in the long run, is also growing; and everything that stands in the way of such co-operation is being rapidly undermined.

While the process of unification and consolidation was thus at work from below, other forces were working in the same direction from above. The British Government had, for reasons of their stability, convenience, and permanence, set in motion centralising and secularising forces, which reinforced this new sentiment for national unity in supercession of the old-time local or communal loyalties. One by one the indigenous powers had been ousted from the field, and their dominions annexed to the British Empire in India. Those that have still survived are, for all practical purposes, but the feudatories of the British Imperial Government. British citizenship in India offers more scope to individual talent, more freedom and security, than in any Indian State; and so, despite its handicaps, it is preferred by most progressive Indians.

The creation of a uniform system of administration throughout the British dominion in India; of uniform codes of law in all matters of the citizens' relations to one another, or to the community as a whole; the establishment of the principle of absolute equality of all Indians before British tribunals; the adoption of an attitude of perfect neutrality, in the social problems or religious concerns of the people

ruled; the adoption of a single language of official intercourse and administration;—all have led to the same consummation.

§ While the process of India's unification, and the consequent ingeneration of Indian nationalism, was still in its infancy, and Indians had begun to cement their internal differences to present a united front, the British Government, which had sown the seeds of the ambitions for self-government, began to perceive the implications of this new trend. The entire spirit of English history in England itself was in this direction. But, in India, it was inconvenient to encourage too much the aspirations for self-government and independence. The opportunities for economic development and the ranks of the services were till then practically the monopoly of the British. With the proclamation, however, of a policy of equal treatment, and admission on equal grounds of all citizens of British India to public service, Indians began to show admirable capacity for competing on equal, or even on unequal terms, with Britishers. This threatened a speedy weakening of the monopoly, which the British had until then enjoyed for years. The necessity for recruiting only Indians for the subordinate posts in the lower ranks of the public services, as well as in the new industries and enterprise,—started for

purposes of administration,—led to a growing adaptation by Indians to the new opportunities presented to them. All this led to a new rivalry, which was only increased by increasing decentralization and devolution.

*The inevitable consequence of this was for the British to realize that, if they desired to strengthen their position in this country, and maintain their economic interests, it would be inevitable for them to have a closer connection, almost a partnership, with indigenous elements. This might be achieved by one of two ways: either by the enrolment of Indians in all the machinery of modern government, or by creating a new divergence amongst the ranks of Indians. The former would offer at best a limited scope. The latter would provide ground for an indirect alliance and support for the British element with those sections of the people which could never form a majority, and so threaten British rule in India. The numerical majority of the Hindus made that community the obvious rival of, till then, the unchallenged British domination in India. To counteract this challenge to the absolute British supremacy, British statesmen in India began to cultivate the strongest single minority, *viz.*, the Muslims, which had good reasons for dreading the

supremacy of the Hindus, if and when the day came, when India's dreams of self-government were realized, and India attained its due place amongst the Dominions of the British Empire.

The consciousness of a distinct entity had never departed from the Muslim community; and the more so, as their memories of past domination in India, even though a minority, were fresh. They clung more to their traditional past; and were, in the beginning, averse to adapt themselves to the new ways of thought and action, social life and economic enterprise, which were introduced by the British. They were, therefore, more backward, and left out of the new opportunities, even more than their numbers or backwardness would have warranted. In significant contrast to them, a microscopic minority,—the Parsis of Western India,—by an easy adaptation to the new regime, rapidly rose to wealth and power and influence, far, far in excess of their numbers, so that for a long while they did not suffer from any sense of exclusion as a minority. In opportunities of enrichment and development, the Muslims, however, found themselves neglected. And so, to the weakness of their numbers was added the slowness of their cultural growth, and the backwardness in their economic development.

All these tended to emphasize the Muslim consciousness of injustice and oppression, which they suffered in common with the rest of the country. When, however, British statesmen in India thought it necessary to cultivate their particular support, and strove to revive their tradition and accentuate their culture, they were quick to realize the advantages of a tactical, temporary support to the British invitation to ally with them; and began by asserting their claims as a distinct community, whose position must be recognized in the impending changes.

When the consciousness of political rights and aspirations towards self-government first dawned in India, it was common, to the more progressive Indians of all communities. They all joined to devise ways and means to realize their new ambitions. Amongst the founders of the Indian National Congress were not only Europeans, but Parsees, Christians, Hindus and Muslims, who all longed for a united India, irrespective of the differences of caste, creed, or community. The first twenty years of the Congress struggle seem to be occupied with the enunciation of, and demand for, the great principles of civic liberties, and a progressive realization of self-government, in which there could be no divergence of opinion nor of interest in any

thinking section of the Indian people. But, as time went on, and the British were obliged to part with one portion after another of their powers, the realization grew apace of the possibilities of self-aggrandizement and self-advancement resulting from the use of political weapons.

It had, indeed, long since been recognized, so far as the Hindu community was concerned, that any progress in social reform was unlikely without the use of political power. Hindus were, therefore, more active and urgent than ever before in the effort to conquer political power, at least in order to be able to remove the innumerable social handicaps which, for centuries, had been rooted amongst them. As social reform was indissolubly connected with economic development, and as political action was helping in modern States more and more in shaping economic ends, the sense of national handicaps began to intensify. The same process accentuated the possibility of exclusive gain by stressing communal differences.

In the years before the World War of 1914-18, the British had made concessions to the Indian sentiment for self-government, very gradually. This was done without any apprehension, however, of the essential strength of their own position in

this country being undermined. But the experience of the World War of 1914-18 served to open the eyes, not only of the British administrators in India, regarding the slender foundations of their own position in the face of resurgent Indian nationalism; but it also made the Indian peoples, and particularly the minorities, realize the possibility of utilizing political power for secular advancement.

The war, and the peace which followed, showed the force of nationalism in European countries. It also showed to India the tremendous handicap which her economic backwardness forced upon her. The wealth derived from the war-time spurt of industry and commerce was not fully utilized to speed up India's own industrial advancement and regeneration. But it indicated the possibility to wealth and power that lay hidden in the industrial regeneration of this country; and that could only be achieved if full political power was theirs in their own country.

The interests, however, of the British were in radical opposition to those of India in matters economic. In currency and tariffs, in transport and finance, the British interests in India seemed to lie in a direction, wholly incompatible with that of India's national ambitions. In these

matters the interests of all Indian communities were identical; and so no splitting of opinion was possible. But the new opportunities presenting themselves were felt to be not equally available to the minority communities. They, therefore felt, that their interests would be served better, if they found a support in the British Government. The British, on their side, realized that, if their essential interests in India were to be preserved, it would be increasingly necessary for Britain to seek local allies, though on a plane different from that in which similar allies had been sought during the early years of British Rule in India. It is in the method of devising the ways and means that the real crux of the minority problem has arisen in India.

CHAPTER IV.

THE MUSLIM MINORITY AND ITS DEMANDS.

The real problem of minorities in India was born in 1907. True, in 1892, under the Indian Councils Act, the principle of separate representation for classes, communities and interests, had first been laid down. But the representation then provided could hardly be called elective; and the transfer of power was so weak that it could hardly invite any real jealousy on communal lines. The Morley-Minto Reforms introduced for the first time separate Communal Electorates, which have now become a cardinal feature of the Indian political system. The national sentiment was, however, strong enough, in 1907-08, to oppose the efforts of those who wanted to give concrete shape to the consciousness of minority, by introducing separate constituencies for Hindus and Muslims in the provincial as well as the central legislatures. The consciousness of a different culture and religion had, no doubt, been fostered and cultivated among the Muslims long before this. But this consciousness was on the intellectual plane,

where they still avoided separation in this way. British statesmen in India, like Sir John Strachey, had made no secret of the political affinity of the British with the Muslims, though the history of the Crusades was by no means forgotten, nor hostility to Turkey unknown. But this consciousness was not strong enough to withstand the sentiment of national solidarity, which led in 1908 Muslim stalwarts like Mr. Jinnah and the late Saiyad Hasan Imam to oppose the innovation of separate communal electorates in the Indian political system.

With the presence in the legislature, however, of communal representatives, and growing recognition accorded to them, the realization deepened as to the possibility of advancing the material as well as cultural interests of the community by political pressure. When therefore, the next instalment of political advance loomed up on the horizon, the vocal elements in the minority communities began to assert claims to special attention to their needs and grievances. This was not necessarily as distinct from, but rather as supplementing and emphasizing, the handicaps and requirements of the Indian people as a whole. The danger of a split seemed to be real enough, and the consequences of such a split dreaded sufficiently the Muslim

leaders and the representatives of the Indian National Congress to make a pact, (the so-called Lucknow Pact), in December 1916, by which it was agreed to maintain definite proportions, and separate representation to the Muslim minority in the political institutions of the country.

The years which followed immediately after the conclusion of the War, brought upon the scene more than one adventitious factor, which made a new alliance between the Muslims and the Hindus. The fall of the Khilafat in Turkey, as a result of the War, roused a sentiment of resentment among Indian Muslims, which sought to express itself in the form of a bitter antagonism to the British Government in India. The Muslim League, which had since 1907 been representing Muslim claims, fell somewhat under an eclipse; and a new organization in connection with the Khilafat assumed its place. The Khilafat and the Congress thereafter combined to offer a united front to the British power in India, and its allies amongst the local reactionaries.

The opposition thus sought to be offered to British authority took an unusual turn. It accepted in 1920 a negative policy; non-co-operation and boycott of all institutions introduced by the British government. Particularly was this so in regard

to the new Constitution, which admitted Indians, under considerable restrictions and with limited opportunities, to the newly enlarged legislatures, and the portion of the provincial ministries made responsible to such legislatures.

After these reforms had come into effect, the links which had made an alliance between the Hindus and the Muslims began, one after another, to weaken. The thirteen centuries old institution of the Khilafat was abolished in its own headquarters, Turkey; and so the greatest of the rallying cry of the Muslims against Britain disappeared. Attention of the politically conscious and economically progressive Muslims was, therefore, rivetted more and more on purely domestic questions. In that they felt the policy of non-co-operation had hurt their community's interests more than those of the other communities. The outlook and philosophy of non-violent non-co-operation with the British Government, symbolized in the resuscitation of handicrafts and village organization, which appeared to the westernising and industrial elements in all communities to be retrograde steps. The Muslims did not deprecate non-co-operation as such; but they inevitably sensed a growing cleavage in outlook between the two sections which were united in 1919-22 in

the Congress-Khilafat block. In the decade which followed the introduction of the Montford Reforms, the divergence between the majority and minority communities, instead of being reduced, thus went on steadily growing for a variety of reasons.

With the growth, however, of a consciousness amongst the minorities, that in a democratic system, they would always remain in a minority, especially when religion was emphasized as a dividing line, made them more and more inclined to accentuate every difference as the outcome of communal sentiment. They, therefore, demanded specific guarantees for their protection and safeguard as a distinct people. The friends of the Congress-Khilafat union days began to fall out because of these differences and disputes, because they subtly felt that there were very strong, unseen and radical differences in social and political outlook. The next stage in constitutional advance was, accordingly, impeded by the presence of these differences, which slowly converted many an old nationalist leader into a communalist spokesman. This stage came about ten years after the enactment of the Montford Reforms; as the British Government appointed the Statutory Commission, as proof of their bona fides, in 1927. The Indian nationalist

reply to this was an All-Parties Conference. But the Constitution framed at the instance of that authority did not make the Muslims, even of the Congress persuasion, feel satisfied. The maintenance of separate electorates was refused by the authors of the new Constitution prepared by the Nehru Committee, even though it was asked for as a temporary expedient, which was unwelcome but unavoidable. The Muslim sympathy with the national movement, as represented by the Congress, consequently declined in proportion.

The work of the Statutory Commission, 1927, presided over by Sir John Simon, on which not a single Indian had been appointed, naturally evoked considerable resentment in all sections of political opinion in India. A new coalition was effected in the ranks of Indian politicians, irrespective of party or community differences, in opposition to and boycott of the Statutory Commission. A section of the Muslims was, however, the first to break away from this coalition. This rendered any concerted action, of the whole country, all but impossible. The specific demand, however, for the rights, protection and safeguards, of the minorities, though somewhat vague, was crystallized by the All-Muslim Conference of December 31, 1928,

in the shape of the famous 14 points. Almost all of these seem to be capable of adjustment, given the will on either side to do so. These 14 points may be summarized as follows:—

1. The form of the future constitution should be federal, with the residuary powers vested in the provinces.

2. No bill, or resolution, or any part thereof shall be passed in any legislature or in any other elected body, if three-fourths of the members of any community in that particular body oppose such a bill, resolution, or part thereof, on the ground that it would be injurious to the interests of that community, or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.

3. Representation of communal groups shall continue to be by means of separate electorates, as at present, provided it shall be open to any community at any time to abandon the separate electorates in favour of joint electorates.

4. No cabinet, either central or provincial, should be formed without there being a proportion of one-third Muslim ministers.

5. Any territorial redistribution, that might at any time be necessary, shall not in any way affect the Muslim majority in the Punjab, Bengal or the North-West-Frontier Province.

6. All legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every province, without reducing the majority in any province to a minority or even equality.

7. Sind should be separated from the Bombay Presidency.

8. Reforms should be introduced in Baluchistan and North-West-Frontier Province, on the same lines as in other provinces.

9. In the central legislature Muslim representation shall not be less than one-third.

10. Provision should be made in the constitution giving Muslims adequate share, along with other Indians, in all the services of the States, and in all local self-governing bodies, having regard to the requirements of efficiency.

11. The constitution should embody adequate safeguards for the protection of Muslim culture,

and for the protection and promotion of Muslim education, language, religion, personal law, and Muslim charitable institutions, and for their due share in the grants-in-aid given by the State, and by the local self-governing bodies.

12. A uniform measure of autonomy shall be granted to all provinces.

13. Full religious liberty, that is, liberty of worship, and observance, propaganda, association and education, shall be guaranteed to all communities.

14. No change shall be made in the constitution by the central legislature, except with the concurrence of the States constituting the Indian federation.

COMMENTARY ON THE FOURTEEN POINTS*

Let us consider these demands a little in detail. The 1st, and still the most important of the celebrated 14 Points, in which the All-Muslim Conference of December 31, 1928, has sought to crystallize the demands of the most considerable and the most widely scattered minority in India, viz :—

* This commentary is based on the text of the All-Muslim Conference Resolution of December 31, 1928, as given in "The Hindu-Muslim Problem in India", by Manshardt, pp. 80-83.

“Whereas, in view of India’s vast extent, its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of government suitable to Indian conditions is a federal system, with complete autonomy and residuary powers vested in the constituent States, the Central Government having control only of such matters of common interest as may be specifically entrusted to it by the Constitution.”

In principle, nowadays, there is hardly any opposition to the demand that the only suitable form of government for India is federal. If democracy, or self-government, even on the model of responsible parliamentary ministries, is to be at all a reality for the vast masses of the people, the country as a whole must become a federation; and the component units must be charged with powers of self-government, through their own ministries responsible, directly and primarily, to their own local legislatures.

There is no dispute in principle on this point. But when the idea is sought to be translated into practice, a number of difficulties crop up which have rendered the solution of this most thorny

problem more difficult than ever. The difficulties are of two categories : (i) what are to be the component units of the federation? (ii) what shall be the powers for each unit, *vis-a-vis* the central, federal, or national government?

The principle of federation was accepted in the Gandhi-Irwin Pact of March 5, 1931, with appropriate safeguards for minority rights.

It was decided, in the first Round Table Conference of 1930-31, that the federation would consist of the Indian States as well as of the British-Indian Provinces, so that the entire sub-continent of India would be united under one system of national government. The moment, however, this idea was adopted, it became evident that the federating units were mutually incompatible. That is to say, while the British-Indian Provinces had already advanced considerably on the road to make self-government a reality for the people of those regions, the Indian States still continued under the system of personal, autocratic rule of a hereditary Prince. The subordination of the Indian States' Princes to the British Government, or the Paramount Power as it is called, was, no doubt, real, complete, and effective. But that only applied

to the relations between the British Government and the Princes, and not to the basis of internal administration within the States. There have been cases, both before and after 1930, in which the British Government had interfered in the domestic concerns of a State, upto the point of deposing the Ruler for the time being. But even such precedents were held not to apply to the case of requiring the States to change their basis of internal government, by a decision or legislation of the central legislature of India, such as would be implied if they became equal members of a democratic federation of India, governed by a system of ministerial responsibility to the legislature elected by the people.

It would be in no violence to the spirit and the intention of the framers of the resolution already quoted, if we assume that when they demanded that the future form of government in India should be federal, they were thinking only of the federation of British-Indian Provinces, and not of the whole continent, including the States. The demand, therefore, when it seemed to be conceded in principle, at the Round Table Conference, appeared to be a boomerang. For the admission, or accession, of the Indian States to the federation of India would increase the proportionate

strength of the Hindu majority, even more than it would be in a federation only of British-Indian Provinces, governed on the system of parliamentary democracy.

The States, of course, had their own difficulties in adopting the idea of a federation. These difficulties were in regard to the initial accession to the federation, and as regards the powers and functions left to them after the federation had become an accomplished fact. But that did not affect much the requirements of the Muslim minority. They had, indeed, been far-sighted enough, in the resolution already quoted, to speak of the federating "States", and not of the Provinces, or Units, which may be treated alike. The term "States," used with reference to British-Indian Provinces, is, historically and juridically, inaccurate. For it implies a prior existence as an independent unit before the federation comes into being; and carries with it the suggestion that, in forming a federation, they are acting as independent States, becoming equal partners in the new State which is brought into existence by their agreement to do so. The British-Indian Provinces are, as they exist today, but *ad-hoc* creations of a centralised State. They are in effect no more than delegates of that authority, in regard

to the powers and functions they are given by the constitution to discharge. The entire conception of the series of the Government of India Acts ending with that of 1935, as well as the express terminology used in that behalf even in the latest constitutional enactment, lends full support to this view.

The Indian States, on the other hand, however weak and ineffective each in its own sphere in practice, are, nevertheless, regarded, in the theory of the law, as Sovereign Units within their own local sphere, with only such limitations of their authority as has been established by treaties, or by custom and precedent hardening into law. The terms of the Act of 1935, regarding the accession or incorporation of the States and the Provinces, respectively, in the proposed federation, also support this idea. In fact, the entire framework of the new constitution, as well as the events leading up to it, bear out this conception.

So far, then, as the States are concerned, there could be no question as to where the undistributed powers and functions of the federating units lie. The States federate, in the basic conception of the scheme of 1935, if they do

at all, strictly in regard to the functions they specify in their Instrument of Accession. The Provinces, having no option in the matter of federating, must assume only those functions and powers which by law are assigned to them. If the analogy of the States is to be applied to the Provinces, the entire course of history would have to be reversed.

That, however, need not be an argument standing in the way of accepting the principle, that the undistributed powers and functions of government must rest with the federating units, if on all other grounds there could be no objection to such a doctrine. But, in the conditions and circumstances under which the country has to live and work to-day, the very existence of the nation would be imperilled, if the undistributed powers and functions of statehood are left with the federating units. The developments in the modern conception of social organization, necessitated by developments in the science of life and work, are so many, and take place so rapidly, that we cannot say at what point of time it may become necessary to exert central authority, not only by way of co-ordinating the action of all the units but also by way of initiating. Any scheme or plan of the economic and cultural development of the country would become

unworkable, if the central or federal government have no power to implement the decisions in regard to a national plan.

We cannot, indeed, foresee all these developments in advance. We cannot, therefore, at the time of framing the constitution, see that all the several functions and powers of government are minutely particularized, so thoroughly and exhaustively, that there need be no room for difference of opinion, or conflict of interest, as between a unit and the federation. Hence, it seems undesirable, in the interests of the country collectively, as well as of each unit therein, to leave the undistributed, or residuary, powers and functions of government in the hands of the federating units. This does not mean, of course, that in defining the powers and functions of the federation and of the units, the widest possible margin should not be shown in favour of the units. Federation will kill real provincial autonomy, if such liberalism is not shown to the provinces. But it must be consistent with the maintenance of national integrity. And if that is endangered, if any of those units,—like the States,—would not consent, it is better to leave out such units from the federation, than to spoil the entire scheme to accommodate them.

Subject to this basic condition which may be reconciled to a great extent by mutual goodwill, and careful definition of the powers and functions of the several governing units in the country, this first item of the Muslim demand may be satisfactorily settled. Such a settlement would be able to provide the largest possible scope, consistent with the maintenance of national integrity and central authority, to the provinces; and would satisfy the ambition for an effective share in the actual government of the country on the part of the Muslim minority.

The 2nd Point, *viz.* :—

“And whereas it is essential that no Bill, Resolution, Motion, or Amendment, regarding inter-communal matters be moved, discussed, or passed, by any legislature, Central or Provincial, if a three-fourth majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion, or passing of such Bill, Resolution, Motion or Amendment.”

Given the conditions of India, with many prejudices and superstitions, operating in the name of

religion to the immense injury of the social system and of the individuals in that system, it would be, practically speaking, impossible to expect the majority of the members of the community concerned, to agree to any reform in such matters. Particularly, that is the case with the Hindu community, where the institutions of marriage and family life have become so encrusted with ages old superstitions, and so many vested interests have become involved in such matters, that they would have to wait till doomsday if they were to wait till the change of heart and outlook were effected in the majority of the community, to such a degree as to facilitate fundamental changes by an ordinary majority. Given, moreover, the presence of a stipulated proportion of members of the minority community in the central and provincial legislatures, it is unlikely that such changes could be easily effected, if the minorities are also likely to be swayed by such cries as "religion in danger," because of a proposed change in the social customs. This is a matter for serious consideration. But, if it alone stood in the way of unification, there is no reason why it should not be agreed to, at least as a temporary expedient, to ensure confidence in the minorities.

The 3rd point, *viz.* :—

“And whereas the Right of Muslims to elect their representatives on the various Indian Legislatures, through separate electorates, is now the law of the land, and Muslims cannot be deprived of that Right without their consent,”

seems to be an accepted part of the Indian constitution, and so we need not say any more about it. It must be remembered, however, that the wording does not imply,—and leaders of the Muslim community have time and again made their meaning clear,—that this is to be an eternal and immutable feature of the Indian constitution. All that it means is, that the Muslims regard such separate communal electorates as a safeguard, unavoidable under existing conditions. But this may be dispensed with, if and when an honourable settlement is arrived at by mutual consent of the parties concerned. It has been, and must continue to be, the steady endeavour of all leaders desiring national unity in India in every community, that, these separate electorates should disappear at the earliest opportunity; and it is to that end that efforts at an agreed and mutually honourable settlement have been directed in the last twenty years and more.

Points 4th, 5th and 6th, *viz.*, those in regard to a due share for the Muslims in the central and provincial cabinets; the maintenance of the Muslim majority in all legislatures, in those provinces in which Muslims are in a majority in the total population of such a province; and the continued proportion, at least upto the proportion enjoyed by them in the legislatures of those other provinces in which Muslims are in a minority of the total population under the then existing act, are all consequential; and are, in effect, not questioned by the other communities, at least in principle. The details have, no doubt, caused difficulties, and involved some injustice or hardship to particular provinces, *e.g.*, Bengal, where interests other than those of the Hindus and Muslims had to be considered and safeguarded by the British government; and besides, the Hindus consider themselves unjustly treated without the Muslims being satisfied fully with what has been conceded to them. These, however, do not constitute any serious obstacle, impossible to overcome to arrive at an honourable settlement by mutual consent.

Practically the same may be said of points 7th and 8th, *viz.*, separation of Sind from Bombay, provided that the same proportion of extra

representation is allowed to the Hindu minority in Sind, as is allowed to Muslims in provinces where they are in a minority; and the introduction of the same form of constitutional government in Baluchistan and the North-West-Frontier Province, as is secured for other provinces. Sind has been separated from Bombay, and the North-West-Frontier Province has been made a Governor's Province, with practically the same measure of autonomy as in other provinces, under the Act of 1935. These demands, therefore, may be considered to have been conceded in principle as far as possible.

We have dealt with point 9th in fuller detail, on pages 115-119—*viz.*,

“And whereas representative Muslim gatherings in all Provinces in India have unanimously resolved that with a view to provide adequate safeguards for the protection of Muslim interests in India as a whole, Musalmans should have the right of 33 per cent representation of the central legislature and this Conference entirely endorses that demand.”

and need say no more about it here, beyond observing that, under the terms of the Act of 1935, the demand has in substance been conceded; and it

would be, politically, unwise to seek to question that principle at this moment.

We have likewise dealt with point 10th in fuller detail, on pages 125-128—*viz.*,

“And whereas it is essential in the interests of Indian administration that provision should be made in the constitution, giving Muslims their adequate share along with other Indians in all services of the State, and on all statutory self-governing bodies, having due regard to the requirements of efficiency”.

The Act of 1935 does not, indeed, grant this demand in express terms; but the Resolution of the Government of India, dated July 4th, 1934, relating to the Central Services, effectively secures this demand. And the same can be applied, *mutatis mutandis*, in the several Provincial Services, on the lines happily worked out for practical convenience in the Punjab.*

The safeguards demanded in point 11th for the promotion of Muslim education among Muslims, and the protection of their language, religion, personal law, and Muslim charitable institutions, as well as their due share of the government grants-in-aid, have also been agreed to in principle, and in effect.

* See pp. 174-175.

Points No. 12th and 13th relating to uniformity of autonomy in all provinces, and full religious liberty, *i.e.*, of worship, observance, propaganda, association and education, are indisputable items in the Charter of Fundamental Rights of Citizenship. That Charter must be enacted as an integral part of the Constitution, and must not be open to any alteration except, by an extraordinary procedure prescribed in that behalf. We have already indicated the nature of such procedure in another section of this work, and need say no more here.

The last and the 14th point, *viz.*:—

“And whereas it is essential that the constitution should provide that no change in the Indian constitution shall, after its inauguration, be made by the Central Legislature except with the concurrence of all the States constituting the Indian Federation,”

and the concluding paragraph, *viz.*:—

“This Conference emphatically declares that no constitution, by whomsoever proposed or devised, will be acceptable to Indian Musalmans unless it conforms with the principles embodied in this resolution,”

appears to constitute a kind of a veto, reserved to every single State forming part of the constitution, regarding the least change in the constitution; and a general bar against any constitution, unless it meets with the principles enunciated in this resolution.

The former veto seems unreasonable, as a single unit of the federation, however small or backward, would become entitled, if this condition is accepted, to block the way to any constitutional advance. The need to guard against too hasty a change in any fundamental principle of the constitution is, indeed, undeniable, particularly in a federation. If, therefore, a provision were added reserving such a right of veto to a given proportion of the total number of the units, and also a prescribed proportion of the people making up the federation; and further, if the scope for such constitutional changes was confined to particular sections of the constitution, e.g. that relating to Fundamental Rights of Citizenship, then that provision would be wholly acceptable.

The latter veto also seems unreasonable, but, the Muslim anxiety, to maintain unchanged the rights guaranteed to them under the constitution, unless they themselves be a consenting party to the change in some prescribed proportion, is intelligible, and desirable to give effect to, provided it is worded more appropriately.

These demands were never rejected or refused as such. But every discussion of details, as and when it took place, revealed deeper fissures and cleavage of opinion, outlook, or intentions, which have made the gulf yawn ever wider. The Muslims regarded these demands, taken collectively, as the irreducible minimum for their safety, individuality, and the continued existence of their culture, tradition, and religion. To realize these, they appeared prepared to pay any price,—even the continued domination of the country by the British. The demand was, on the face of it, too reasonable to be questioned. Those who opposed it could not but expose themselves to a plausible misunderstanding of their ultimate intentions, regarding the substitute authority in India after the British power had yielded place in the local democracy, *i.e.*, the opponents of these demands desired to substitute their domination in place of the British, and not to create in India a really just democracy, fair and equal to all communities.

In dealings with the Governments of India and of Great Britain, the Muslims developed a strategy and tactics, which, though pursued by the several sections without any collusion, *inter se*,

resulted, in the aggregate, in making them often the holders of the balance between the British Government and the Indian Nationalists. A section of them clung to the Congress, and suffered with that body in all its vicissitudes. That section, however, steadily dwindled in numbers after the Khilafat agitation had died down, and the Nehru report had alienated a few more. Another and more numerous section of the Muslims stood for their rights as minority, demanded justice of the British Government, and offered co-operation with the British Government, in resisting the nationalist element. The postponement of the country's independence, was to them a hardship, whose exact incidence upon them was only in proportion to their numbers, or their stake in the country. They consoled themselves, at this prolonged frustration of the country's dream of independence, with the reflection that, if the country as a whole lost one rupee, their share in the loss was only four annas; and that even that loss was due to no fault of theirs,—unless demanding their just rights was to be reckoned a fault.

To the Hindus, this line of reasoning only appeared as evidence of the Muslims' selfish aims and narrow outlook. They considered the latter's

indication of opposition to the nationalist element as so much proof of their essentially anti-national viewpoint. Accordingly, in their mind, they held them increasingly responsible for the lack of success in the fight for freedom. But the Muslims were not the only community who opposed the nationalist element nor were the Hindus the only sufferers in the struggle for independence. Interested elements in every camp were found opposing the nationalists. The responsibility for thwarting or defeating the country's longing for self-government must, therefore, be laid in equal measure upon the shoulders of all communities—except in so far as the Hindus were more numerous, and professed a more general desire for freedom and democracy.

CHAPTER V

FURTHER DEVELOPMENTS IN THE PROBLEM.

Just a few months before the report of the Statutory Commission, Lord Irwin's statement on 31st October, 1929, held out Dominion Status as the goal of Indian political evolution. But that very declaration created further divergence, because of the Congress demand for immediate independence, without any allegiance to the British Crown, or membership of the British Commonwealth of Nations.

"The goal of British policy," said Lord Irwin, "was stated, in the declaration of August 1917, to be that of providing for the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British Empire. As I recently pointed out, my own Instrument of Instructions from the King-Emperor, expressly states that it is His Majesty's will and pleasure, that the plans laid by Parliament in 1919 should be the

means by which British India may attain its due place among His Dominions. Ministers of the Crown, moreover, have, more than once, publicly declared that it is the desire of the British Government that India should, in the fullness of time, take her place in the Empire in equal partnership with the Dominions. But in view of the doubts which have been expressed, both in Great Britain and India, regarding the interpretation to be placed on the intentions of the British Government, in enacting the Statute of 1919, **I am authorised on behalf of His Majesty's Government to state clearly, that in their judgment, it is implicit in the declaration of 1917, that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status."**

Immediately after the report of the Statutory Commission in 1930, the offer of a Round Table Conference to decide the question of policy, and also the actual framework of the new Constitution, served to emphasize the difference of opinion between the majority and the minority communities. For, though no minority leader, Muslim or any other said, in so many words, that he wanted the British as the

guardian of the minorities for ever, their speeches and resolutions made it plain as a pike-staff that they could not trust the mere majority of numbers,—inevitable under a system of parliamentary democracy,—to afford them the protection and safeguards, the opportunity and possibility, which they considered their due in a well-ordained Indian State.

The communal problem had, by this time, arrived at a stage where every effort to settle it only added to its complexity. The recognition of its existence was also impossible to evade. As early as 1924, Mahatma Gandhi had gone on a long fast with an intense desire to secure communal peace. But that effort had failed to serve its purpose. In the pledges and declaration, also, of the Congress policy, or in the “constructive programme” of the Congress, the introduction of communal peace, unity, and fellow-feeling was made a cardinal feature. In practice, however, that too began to be conspicuous by its absence. In the years which followed, a series of Round Table Conferences and Committees continued to do their work. The Congress once again went into wilderness in 1930, and carried on a campaign of civil disobedience, which showed those in authority the strength of the sentiment for complete national independence. The minorities, however, began more than ever to be conscious of

their rights, and, therefore, began to make specific demands, most of which seemed fair and reasonable, and could not be gainsaid by any true lover of liberty.

The fact that the Muslim minority was in need of some special safeguards and assured position, was recognized also by the Statutory Commission Report in 1930. They said—

“We have had abundant evidence of the feeling of apprehension with which possible changes in the system of government are viewed by many communities. **India is a land of minorities.** The spirit of toleration, which is only slowly making its way in Western Europe, has made little progress in India. Members of minority communities have, unfortunately, only too much reason to fear that their rights and interests will be disregarded. The failure to realize, that the success of a democratic system of government depends on the majority securing the acquiescence of the minority, is one of the greatest stumbling blocks in the way of rapid progress towards self-government in India. Many of those who came before us urged that the Indian constitution should contain definite guarantees for the rights of individuals in respect of the exercise of their religion, and a declaration of

the equal rights of all citizens. We are aware that such provisions have been inserted in many constitutions, notably in those of the European States formed after the War. Experience, however, has not shown them to be of any great practical value. Abstract declarations are useless, unless there exists the will and the means to make them effective. Until the spirit of tolerance is more widespread in India, and until there is evidence that minorities are prepared to trust to the sense of justice of the majority, we feel that there is, indeed, need for safeguards. But we consider that the only practical means of protecting the weaker or less numerous elements in the population is by the retention of an impartial power, residing in the Governor-General and the Governors of Provinces, to be exercised for this purpose."

In pursuance of this proposition, they laid down that special powers must be given to the Governor-General or the Governors, as guardians of these minorities, to protect their rights. If at any time the separate representation,—one of the rights most vigorously insisted upon—provided for the Muslims and other minorities, was to be revised, they recommended that the power to make such revision must be allowed to the Provincial Legislature, subject to certain conditions, and

after a lapse of ten years, so as to make changes: (a) in the number, distribution, or boundaries of constituencies, or in the number of members returned by each of them; (b) in the franchise, or in the method of election; (c) in the method of representation of particular communities. It was to be effected by way of a "Constitutional Resolution" in the Legislature concerned, provided that such a resolution was passed by a majority of two-thirds of the total votes of the Legislature as a whole, and by a like two-thirds majority of the members of the particular community likely to be affected by such a resolution. When such a resolution was duly passed, the Government of the Province would prepare a scheme for consideration by the Governor-General, in order to give effect to the decision for making new electoral rules.

It was by this time generally agreed that safeguards for minorities must be provided. They are needed, not only in reference to legislation, but also in the field of executive action. But what was the best, the most acceptable, method of providing them? The British Government suggested that the only practicable means of providing them was by retaining an impartial power in the Governor-General and the Governors of Provinces,

by the terms of their Instruments of Instructions, to act as special guardians of minority rights, and be charged with a special responsibility for the purpose. The Muslims and other minorities seemed to agree to such a solution. But the Congress saw in it only a blemish in the fullness of India's political autonomy. In virtue of this power, the Governors or Governor-General* are authorised under the Act of 1935, to prevent legislation, which would involve serious prejudices to one or more sections of the community as compared with other sections.

* There are in all other Dominions—South Africa Canada, Australia, and New Zealand—the “Natives” who have to be specially protected. But this protection is entrusted to the Dominion Government, and not to the Government, or of the Representative of the Crown. The Dominion Governments have seldom considered this matter in the light of a “special responsibility.” In South Africa the franchise is only allowed to the European adults, though out of a total population of 9,530,649, Europeans totalled 1,993,734, or about 20 per cent of the population; while the adult Europeans numbered only 1,150,780 or about 60 per cent of total Europeans. A special electorate is given to African “Natives”, which numbered 11,046 out of their total population of over 6½ millions, while Asiatics have a separate electorate of their own of 1,491 out of a total population of several thousands. In Canada, the population of Indian or Eskimo descent is much smaller, *i.e.*, 128,890, out of a population of 10,376,786 or about 1.25 per cent. The Commonwealth of Australia Act, Section 127, provides:—“In reckoning the numbers of the people of the Commonwealth, or of a State, or other part of the Commonwealth, aboriginal natives shall not be counted.” Yet every one of these Dominions has complete sovereignty of its own, and is reckoned without question as a democracy.

In New Zealand the Maories seem to be enjoying a political status nearest to that of the Whites, and so there seems the least need of any special protection.

The labours of the Round Table Conference in 1930-31 were concluded by the statement of the British Prime Minister, on the 19th January, 1931, accepting, the principle of Federation of all India including the Indian States, certain inevitable safeguards for the protection of vested interests, and guarantees for the rights of minorities.

The Prime Minister said:—

“The view of His Majesty’s Government is, that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty’s Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government.

His Majesty’s Government, whilst making this declaration, is aware that some of the conditions,

which are essential to the working of such a constitution as is contemplated, have not been finally settled, but it believes that, as the result of the work done here, they have been brought to a point which encourages the hope that further negotiations, after this declaration, will be successful."

Practically the same position was affirmed in the celebrated Gandhi-Irwin Pact of March 5th 1931. The following Statement by the Governor-General-in-Council, was published for general information:—

1. "Consequent on the conversations that have taken place between His Excellency the Viceroy and Mr. Gandhi, it has been arranged that the civil disobedience movement be discontinued, and that, with the approval of His Majesty's Government, certain action be taken by the Government of India and Local Governments."

2. "As regards constitutional questions, the scope of future discussion is stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the constitutional Government of India discussed at the Round Table Conference. Of the scheme there outlined, Federation is an essential part; so also are Indian responsibility and reservations, or safeguards in the

interests of India, for such matters as, for instance, defence, external affairs, the position of minorities, the financial credit of India, and the discharge of obligations."

The need to provide some safeguards and guarantees for the rights of minorities was accepted in the Resolutions passed by the Indian National Congress at its session in Karachi held in 1931. It was the first attempt at defining such rights, which shows signs of hasty drafting, and a certain amount of confusion of ideas, inevitable perhaps under the circumstances; but, nevertheless, it marks a great advance in point of clarification.

The Resolutions on Fundamental Rights and Duties, and Economic and Social Programme, passed at the Karachi Congress, 1931, and as subsequently varied by the All-India Congress Committee, at its meeting in Bombay in August, 1931 says:—

"This Congress is of opinion that, to enable the masses to appreciate what "Swaraj", as conceived by the Congress, will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the

starving millions. The Congress, therefore, declares that any constitution which may be agreed to on its behalf, should provide, or enable the Swaraj Government to provide, for the following:—

Fundamental Rights and Duties:—

(i) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.

(ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(iii) The culture, language, and script of the minorities and of the different linguistic areas; shall be protected.

(iv) All citizens are equal before the law, irrespective of religion, caste, creed, or sex.

(v) No disability attaches to any citizen, by reason of his or her religion, caste, creed, or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places

of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(vii) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(viii) No person shall be deprived⁷ of his liberty, nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with the law.

(ix) The State shall observe neutrality in regard to all religions.

(x) The franchise shall be on the basis of universal adult suffrage.

(xi) The State shall provide for free and compulsory primary education.

(xii) The State shall confer no titles.

(xiii) There shall be no capital punishment.

(xiv) Every citizen is free, to move through-out India, and to stay and settle in any part thereof, to acquire property and to follow any trade or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India.

Economic and Social Programme:—

(i) The State shall protect indigenous cloth; and for this purpose pursue the policy of exclusion of foreign cloth and foreign yarn from the country and adopt such other measures as may be found necessary. The State shall also protect other indigenous industries when necessary, against foreign competition.

(ii) Intoxicating drinks and drugs shall be totally prohibited, except for medicinal purposes.

(iii) Currency and exchange shall be regulated in the national interest.

(iv) The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport.

(v) Relief of agricultural indebtedness and control of usury direct and indirect.

(vi) The State shall provide for military training of citizens so as to organize a means of national defence apart from the regular military force.

At the Round Table Conference in 1931-32, where the Congress as such had participated through a single representative,—Mahatma Gandhi,—the problem of minorities was intensively

discussed. But, after many protracted negotiations and deliberations, a Sub-Committee of the Conference, appointed to deal with this matter, confessed failure. The question of constitutional advance, however, had been made, according to the Gandhi-Irwin Pact of March 1931, expressly dependent upon the satisfactory settlement of the minority problem. It, therefore, appeared that, after this failure, no further progress of a constitutional character could be achieved. In these circumstances, rather than unnecessarily delay the next step forward, the British Prime Minister undertook to make what has since been known as the "Communal Award." This Award recognized separate electorates, accorded weightage to certain communities, cut up the representative system in the country into a number of cross-divisions mutually separated on the lines, not only of community, race or religion, but also of economic interests, and cultural differences.

This Communal Award granted separate representation to the Depressed Class of the Hindus, a process which, the Congress said, involved disintegration of the Hindu Community. This particular feature was opposed by Mahatma Gandhi by a fast unto death, unless it was remedied in time. After much discussion, this was modified by

the "Poona Pact of 1932," by which the Depressed Class was given a greater number of seats than recommended by the Communal Award, out of the seats classified as general seats in the Award. The Poona Pact, also, substituted a different system of election for the Depressed Class, by a double process, once by their own separate section of the Scheduled Castes, as they are called, and afterwards by the general constituency. It was agreed that, for each seat reserved for this class in the general constituency, four candidates were to be elected by the depressed class or scheduled castes in each constituency; and the four persons elected in this primary election were to be the only candidates for each reserved seat in the general constituency.

This Communal Award and its necessary consequence the Poona Pact, created a disproportionate stir and division in the ranks of the Congress, as well as in the country at large. The Award is acceptable scarcely to any community. But, in the absence of any agreed settlement, the parties concerned,—the Congress, and the Communal Political Organizations,—have had to accept it, and work on its basis, in the new Constitution, since 1937.

As embodied in the new Constitution since 1937, the distribution of seats in the Central and Provincial Legislatures, results in the following:—

TABLE OF SEATS.

The Council of State.

Representatives of British India.

1	2	3	4	5	6	7
Province or Community.	Total Seats.	General Seats.	Seats for Scheduled Castes.	Sikh Seats.	Muslims Seats.	Women's Seats
Madras	20	14	1	--	4	1
Bombay	16	10	1	--	4	1
Bengal	20	8	1	--	10	1
United Provinces }	20	11	1	--	7	1
Punjab	16	3	--	4	8	1
Bihar	16	10	1	--	4	1
C.P. & Berar	8	6	1	--	1	--
Assam	5	3	--	--	2	--
N. W. F. Province }	5	1	--	--	4	--
Orissa	5	4	--	--	1	--
Sind	5	2	--	--	3	--
British Baluchistan }	1	--	--	--	1	--
Delhi	1	1	--	--	--	--
Ajmer-Merwara }	1	1	--	--	--	--
Coorg	1	1	--	--	--	--
Anglo-Indians }	1	--	--	--	--	--
Europeans	7	--	--	--	--	--
Indian Christians }	2	--	--	--	--	--
Total ...	150	75	6	4	49	6

This Table is taken from the Government of India Act, 1935.

TABLE OF SEATS.
PROVINCIAL LEGISLATIVE COUNCILS.

1	2	3	4	5	6	7	8
Province.	Total of Seats.	General Seats.	Muham- madan Seats.	Euro- pean Seats.	Indian Chris- tian Seats.	Seats to be filled by Legi- slative Assem- bly.	Seats to be filled by Governor.
Madras	Not less than 54 Not more than 56	35	7	1	3	--	{Not less than 8 {Not more than 10
Bombay	Not less than 29 Not more than 30	20	5	1	--	--	{Not less than 3 {Not more than 4
Bengal	Not less than 63 Not more than 65	10	17	3	--	27	{Not less than 6 {Not more than 8
United vinces	Not less than 58 Not more than 60	34	17	1	--	--	{Not less than 6 {Not more than 8
Bihar	Not less than 29 Not more than 30	9	4	1	--	12	{Not less than 3 {Not more than 4
Assam	Not less than 21 Not more than 22	10	6	2	--	--	{Not less than 3 {Not more than 4

1	2	3	17	18	19
Province	Total Seats	Total of General for Women	Muham- madan	Anglo- Indian	Indian Christian
Madras ...	215	1	1	--	1
Bombay ...	175	1	1	--	1
Bengal ...	250		2	1	1
United Province ...	228	1	2	--	1
Punjab ...	175		2	--	1
Bihar ...	152		1	--	1
C. P. & Berar ...	112		--	--	--
Assam ...	108		--	--	--
N. W. F. Province ...	50		--	--	--
Orissa ...	60		--	--	--
Sind ...	60		1	--	--

In Bombay seven of th

In the Punjab one of t

In Assam and Orissa t

This table is taken fr

So far as the separate representation of the Muslims,—the largest communal minority in India,—is concerned, on the basis of their numbers all over the country, and with a certain additional weightage in parts where they are in a small minority, the Communal Award may be said to meet their demands.

In the Federal Assembly, in regard to seats from British India, the Muslims are provided, through separate electorates, 82 seats out of a total of 250, or about 33 per cent. In addition to territorial seats, there are 11 seats for representatives of commerce and industry, 7 for landholders, and 10 for representatives of labour, together with 9 for women, making a total of 37 seats. Out of these the Muslims may well be expected to capture 10 seats at least. In a House of 250, they may thus obtain 92 seats, or nearly 37 per cent.* This proportion would be reduced by the introduction of the representatives from the Indian States, when Federation is achieved. The latter are assured a total representation of 125, out of which the Muslims may well be expected to get about 25 at least, if not more. Added to the 92 in British India, this would mean an aggregate strength of 117, or say 120, in a total house of 375, or nearly 32 per cent.*

* See point 9th of All-Muslim Conference's fourteen points—page 78 and 91.

In the Council of State, the Federal Upper Chamber, there are 150 seats from British India. Of these, 75 are General seats, and 49 are Muslim seats from separate electorates. In addition there are 6 women's seats from which at least 2 Muslim women may well claim to be returned. In a House of 150, a total Muslim strength of 51 is 34%.* This may be reduced by the addition of representatives from Indian States; but, even so, their total proportion will not fall below 30%.*

In the Provincial Legislative Assemblies, similarly, there are in all 1,585 seats. Out of these, Muslims are guaranteed, through separate electorates, 482 seats, or about 31 per cent. In addition, there are 56 seats for representatives of commerce, industry, mining and planting; 37 seats for landholders; 8 seats for universities, 38 seats for representatives of labour, or a total of 139 seats, out of which the Muslims may quite reasonably be expected to capture 35 seats. There are, besides, 10 separate seats for Muslim women, in the several Provincial Legislatures. The aggregate, therefore, would be 527 Muslim seats in in all the provincial Legislatures of India out of 1,585, or 33 per cent; as against their total population of a little over 22·16 per cent according to the census of 1931.

* See point 9th of All-Muslim Conference's fourteen points—page 78 and 91.

Percentage of population of Hindus and Muslims
only, and their representation in the Assemblies
of the Provinces of British India.

Province 1	Percentage of Provincial Population		Total Seats in the Provincial Assembly 4	No. of Seats and their percentage as compared to their total seats	
	Hindus 2	Muslims 3		General Seats 5	Muslim Seats 6
Madras	83.31	7.07	215	146 68%	28 13%
Bengal	43.04	54.87	250	78 31%	117 47%
United Provinces	84.50	14.84	228	140 61%	64 28%
Punjab	26.84	56.55	175	42 24%	84 48%
C. P. & Berar	86.01	4.40	112	84 75%	14 13%
Assam	57.20	31.96	108	47 44%	34 32%
Bombay	87.00	8.80	175	114 65%	29 17%
Sind	26.10	72.76	60	18 30%	33 55%
Bihar	80.30	12.76	152	86 57%	39 26%
Orissa	96.20	2.50	60	44 73%	4 7%
N.W.F. Province & administered territories	5.90	91.84	50	9 18%	36 72%

In Col. 5, we have given the number of "General Seats," from which the Hindus, Parsis, Jains, Buddhists, Jews, can obtain representation. In proportion to the population of the Hindus alone, as given in Col. 2, these seats are comparatively few. If we add the numbers of these other communities, merged in the "General" body, the disparity becomes greater. It must also be remembered, that out of the "General Seats," a certain number in each province is reserved for the Scheduled Castes.

This table is compiled from the Government of India Act 1935, and the Census of India 1931.

In the several provinces, again, a reference to the total population, in comparison to the seats allotted to the Hindus and Muslims, as shown in the Table on page 117, indicates that representation is fairly in proportion to their numbers in the provinces where they are in a majority, and much above their numbers in the provinces where they are in a minority. Further, if we consider the respective voting strength, the Muslim position is still more favourable, as far as the actual number of seats reserved for them and the number of voters are concerned. It may be added, however, that formerly the Muslims were not secured statutory majority through separate electorates in the Punjab and Bengal. And even now, strictly speaking, they may argue that statutory majority is not assured to them in these provinces, though, practically speaking, Muslim members in these provinces are in considerable majority over all other members combined.

In the provinces in which there are Legislative Councils, the maximum possible number of seats in all these councils is 263. Out of this 56 are guaranteed to the Muslims through separate electorates. They may, in addition, well be expected to capture, out of the 27 seats to be

filled by the Legislative Assembly in Bengal, and 12 seats likewise in Bihar, not less than 18 seats. Out of the nominated seats, also, which aggregate a maximum of 38, the Muslims can well be expected to have 16 seats. This means that out of a maximum total membership of 263 in the six Provincial Legislative Councils, the Muslims may fairly expect to get 90 seats or over 33%.

Separate representation of a community like the Muslims, through separate communal electorates, is naturally not calculated to build up national solidarity. Those who believe in the integrity of the Indian people as a political unit, cannot, therefore, but deplore such a development. Thoughtful and far-sighted Muslim leaders have never made a secret of the fact, that they themselves do not desire separate representation for their own sake. The Lucknow Pact made between the Congress and the Muslim League in December 1916, which formed the basis of representation in the Montagu-Chelmsford Reforms of 1918, no doubt, regarded separate electorates as their only safeguard. But many a leader of the Muslim community emphasized the disadvantages of such artificial representation, and have ever striven for

joint electorates, at least as an ideal, if an honourable agreement could be arrived at. The authors of the Montagu-Chelmsford Reforms, 1918, noted that the Muslims regarded separate representation and communal electorates as "their only safeguard." For their part, however, the authors of that document were of opinion that, "communal electorates are opposed to the teaching of history, perpetuate class divisions, stereotype existing relations, and are a very serious hindrance to the development of the self-governing principles."

Notwithstanding these obvious disadvantages, the Reforms of 1918 could not disregard the strong Muslim sentiment in favour of separate electorates, so long, at least, as an agreed alternative was not substituted in its place. Accordingly, this has now become an accepted, even if an unwanted, feature of our Constitution.

Although separate communal representation through separate electorates has come to be disliked by most political leaders of the communities concerned, on grounds of national solidarity, they have, nevertheless, clung to these as assuring them a share of political power, which, in the

absence of an agreed alternative acceptable to all sides, they feared would be lost to them. For a community like the Muslims, scattered as it is in all parts of India, in varying proportions, there is, however, nothing in common as between the Muslims of several provinces, except religion and tradition. In all provinces and states, where the Muslims are found in any considerable proportions, they have adopted the local language, follow local usages, and develop local loyalty, in pursuit of material interests common with their neighbours of other faiths. The Punjab and the Bengal Muslims have developed as intense a local feeling as the Hindus of those provinces, which has begun to cause a new type of minority that constitutes a problem by itself. Efforts have been made, no doubt, in recent years, to develop a community sentiment by emphasizing a common Muslim language and a distinct Muslim culture. But it is open to question if these, even if successful to-day, would resist the sentiment of local solidarity, and of economic community of interests, when once this line of demarcation is done away with. The conflict between the "Mulki" Mussulman in Hyderabad (Deccan), and the "Non-Hydrabadi" Mussulman is an instance in point.

Apart from this danger, there are other considerations of the long-term interests of the minorities, which ought to warn them against playing too insistently on this theme of separate communal electorates. Once separate electorates are established on these lines, the separate representation thus assured will tend to become the maximum the community thus safeguarded can hope to obtain. It will, therefore, reflect the maximum of their strength in the legislature, and, through that, in all departments of government that the legislature can influence. This means not only a fixed maximum share in the services, but also in all other economic advantages, which influence in government through the legislatures. There can be no hope for more than this fixed share. On the other hand, the expounders of the faith of communal rights may well retort that, if a minimum is not assured to a minority community by such means, they might get nothing at all; and the idea of "self-government" may, to them, be little better than a name.

Being stereotyped and separated into mutually exclusive groups, the possibility of combination of such minorities with other groups is also minimized;

and the chance to become a majority, so as to obtain substantial power in the government of the country, is correspondingly reduced.

The real basis, however, of the demand for separate electorates, and for separate representation of communities through them, is due to two sets of forces, operating from opposite directions to combine in the ultimate result.

On the one hand, the British Government is anxious to maintain its own position, and to safeguard the interests of its own nationals in this country. For this purpose, it has, consciously or unconsciously, found this principle of separate communal representation a sort of check or counterpoise, to the otherwise undeniable weight of the educated majority of the natives of the country claiming the right to self-government. With this majority it must share its power, in accordance with its own professions to establish progressively self-governing institutions in India on the British parliamentary model. It is, indeed, the genius of all imperialist rule, and peculiarly of the British constitution, which abounds in provisions of such mutual checks and balances. This was noticed as a distinct feature of the

British constitution as far back as the days of the French Revolution by a statesman of the calibre of Edmund Burke; and it continues to operate even to this day. This peculiar British system of checks and balances has taken the shape, in this country, of communal and class divisions, which were all but obliterated by the middle of the last century, but which have been revived, emphasized, and elaborated in the last fifty years, to a point where the demand for breaking up India into separate sovereign States formed on communal lines is by no means a figment of the imagination of over-ardent communalists.

On the other hand, from the side of the Muslim minority, the demand for separate representation is a recognition of their distinct entity as a community. It is actuated, not only because of the desire to maintain the individuality of the community and perpetuate its tradition, culture and religion, but also because of the realization, that through that door-way lies the only road to attain the real goal, *i.e.*, a proper share in the power and influence, which, as children of the soil, they are entitled to have.

Step by step, the demand for proportionate representation in the services of all grades and

departments has grown, till the Resolution of the Government of India, dated the 4th July, 1934, has come specifically to recognize it, and formulate definite proportions as the share of specified minorities. On a review of the position of the Muslims and other minorities in the public services of the country, Government found that the due share of these communities in the central public service appointments had not been secured to them; and that share would not be secured, unless a fixed percentage of vacancies was specifically reserved for such minorities. The recognition granted on these lines to minorities included, not only the Muslims, but the Anglo-Indians and the Depressed Class. The rules framed by the Government of India under this Resolution concern the recruitment direct to all services under the Government of India, including the Indian Civil Service, Central Administrative Services Class I and II, and the Subordinate Services. Except where high technical or special qualifications are needed, these rules are now applicable to all services under the Government of India.

The Rules provide:

For the Indian Civil Service and the Central and Subordinate Services, to which recruitment is made on an All-India basis, the following rules will be observed:—

(i) 25 per cent of all vacancies to be filled by direct recruitment of Indians will be reserved for Muslims, $8\frac{1}{2}$ per cent for other minority communities.

(ii) When recruitment is made by open competition, if Muslims or the other minority communities obtain less than these percentages, these percentages will be secured to them by means of nomination. If, however, Muslims obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for other minorities, while if the other minorities obtain more than their reserved percentage in open competition, no reduction will be made in the percentage reserved for Muslims.

(iii) If members of the other minority communities obtain less than their reserved percentage in open competition, and if duly qualified candidates are not available for nomination, the residue of $8\frac{1}{2}$ per cent will be available for Muslims.

This means that, in any event, Muslims must get at least 25% of the appointments in the Services. If the other minorities fail to provide the

necessary number of qualified candidates to make up their quota, the residue of these must also go to the Muslims. And if the Muslims secure in competitive tests a percentage larger than that reserved for them, the minimum reserved for other minorities also cannot be reduced. In other words, if the Muslims secure, by competitive merit, 30% of the Service appointments, and other Minorities secure another 10% in the same way, the majority community would only have 60% of the appointments available for Indians, subject to such reservations as may be made on account of Europeans enrolled in these Services.

(iv) The percentage of $8\frac{1}{2}$ reserved for the other minorities will not be distributed among them in any fixed proportion.

(v) In all cases a minimum standard of qualification will be imposed, and the reservations are subject to this condition.

(vi) In order to secure fair representation for the Depressed Class, duly qualified members of this class may be nominated to public service, even though recruitment to that service is being

made by competition. Members of this class, if appointed by nomination, will not count against the percentages reserved in accordance with clause (i) above.

All this may be taken as evidence to show that the real demand of the minorities for separate representation and recognition is dictated, as much by material considerations as by the desire to maintain the separate individuality of a distinct community. There is hardly a day in the central or provincial legislatures, when questions are not asked regarding the proportion in the several services of one or the other community, in which the querist may be interested. Even as regards non-government services, or business enterprise aided by Government, the same influences are making themselves manifest. The inevitability of the material bond, in the ultimate analysis, is thus unquestionable.

The same tendency will increasingly manifest itself, if it has not already made its appearance, in other matters of material interest to the community, i.e. their proportionate share in industry, agriculture, commerce; and other such instances which make up the sum total of the substantial advantages

resulting from full Dominion Status. They will continue to be so demanded, and will have to be so conceded, until such fundamental reconstruction of the social system takes place, in which each individual citizen is assured all he needs, provided each contributes all he can to the sum total of the wealth of the country. Then only will this communal problem disappear altogether, because then only will it have been solved effectually.

CHAPTER VI

OTHER MINORITIES IN INDIA

Before we consider the more recent developments, and review the other attempts at solving the question of minorities, let us note that, from one point of view, India seems to be a land of minorities *par excellence*. The largest single minority, numerically speaking, so far recognized, are the Muslims. They are the most insistent, best organized, and the most wide-spread. They offer some noticeable contrast in culture and tradition, which appears to mark them out as somewhat distinct from the rest of their Hindu brethren.

A new factor of the communal canker, which has not been quite so clamorous, is to be found in the differences between the Shias and the Sunnis among the Muslims, or as between the Brahmins and non-Brahmins among the Hindus. With the Muslims, the Sunnis are in a very heavy majority; while, with the latter, the non-Brahmins are in a vast numerical majority, but comparatively backward in point of wealth or intelligence. The Scheduled

Castes section of the non-Brahmins have already secured separate recognition and representation. The other non-Brahmin castes, even if they have received no separate representation, cast their votes on the whole on caste lines, except where a Party appeal is too strong, and its forces too well organized and disciplined, to be resisted. But even powerful Parties, like the Congress, have to select their candidates so as to pay some regard to this innate sentiment in favour of the caste, which still rules strong in the average mind. We mention this only to show to what absurd lengths it is possible to carry on this principle in the unfortunate conditions of India.

Of late, however, other minorities have made their appearance on the Indian political stage; and are beginning to attract attention, by no means insignificant in proportion to their numbers. The "Depressed Class" or the "Scheduled Castes" are, as we have seen, now a recognized minority within the Hindu fold. Practically speaking, it has been accorded separate representation in the Government of India Act 1935, ever since the Communal Award was declared. Before that, also, their existence was recognized, not only by the powers of nomination reserved in the Governors of Provinces to the local legislatures; but also in the emergence of a strong

non-Brahmin Party in Madras, and in the States and Provinces likely to be influenced by Madras. Non-Brahmins are, indeed, not a minority anywhere in India. Numerically they are everywhere a majority. Their separate representation as a communal minority is, therefore, not of the whole body, but in the form of representation to the Scheduled Castes who do form a minority, though not of the Muslim type.

The Depressed Class or the Scheduled Castes, are allowed separate representation in a somewhat different manner compared to other minorities. They are, however, indistinguishable from the Hindus in general, except by their heavy social disabilities and economic backwardness. They are Hindus in religion, customs, and usages; and appear to be unwilling to exchange their lot,—by no means enviable in the Hindu community,—for any alternative, at the cost of changing into another religion. Much as the leaders of Islam, or Christianity, or the Sikhs, might want to convert this Depressed Class to their own faith, the numbers of this class have remained practically in the same proportion as in the past. We might, therefore, take it as reasonable evidence that they do not seem to resent their position,—which is admittedly the most undesirable that could be

assigned to any considerable section of the civilized community,—to the point of leaving the Hindu fold altogether.

This may also be taken as proof of the terrible drudgging effect of Religion. It makes an intelligent being put up with such incredible hardship, injustice and degradation, without protest. In a democratic organization, however, they are rapidly learning to recognize the opportunities and possibilities open to them, particularly through such separate representation. The consciousness is likewise growing amongst them, which demands separate recognition, so as to avail themselves of independent opportunity for social betterment and economic advantages. The Act of 1935 provides this; it gives them separate recognition, and at the same time keeps them with the Hindus in the general constituency. We may take it that their existence would be impossible to overlook in the future working of the system of government in India, on whatever lines it is reconstructed.

The Scheduled Castes, it need hardly be added, have not only obtained a small share in the provincial and central legislatures under the new constitution;* they have also been assured their due share in the public services of the country, under

*See Tables between pages 112-115.

the Government of India Resolution of 1934, mentioned in the last chapter. For the principles underlying this Resolution have begun to be applied gradually in the Provincial Services also. In proportion to their numbers, their share is not as considerable as it might be. Their backwardness in education, their lack of the necessary qualifications for employment in government or public service, and their social and economic disabilities, have inevitably taken a heavy toll, which prevents their share in the advantages of self-government being what it otherwise might be. Their opportunities to serve their economic interests—agricultural as well as industrial—in so far as they are distinct from the other communities, are limited for the same reasons. The new opportunities presented in the democratic machinery of the government would, therefore, hardly suffice to make up the leeway from which they have been suffering hitherto.

The minority of the Muslims is based on the difference of religion; and the same principle is found amongst the Indian Christians. Their numbers are, proportionately, very small. They cannot, therefore, claim with the Muslims an equal proportion in the government of the country.

The Indian Christians form hardly 2 per cent of the population of India. They are not scattered quite so widely as the Muslims throughout the country. In no place, therefore, can they ever hope to attain to a majority, where they might be able to form a government of their own, under the parliamentary system of democratic rule. They are, accordingly, not insisting on the same demands for separate recognition through communal electorates, quite as much as the Muslims.

Nevertheless, they too have been accorded separate representation, on a basis different from that of the Muslims, in the Central as well as the Provincial Legislatures. In the Federal Assembly,* out of a total of 250 British Indian seats, the Indian Christians are assured 8 seats, or over 3 per cent, for a population of about 2 per cent; while in the Provincial Assemblies,* they number 20 in a total of 1,585 seats, or just about $1\frac{1}{2}$ per cent, apart from what they may be able to capture through other constituencies, *e.g.*, Planters, Universities, or Women. As Christians, they may also claim affinity with Anglo-Indians and Europeans, along with whom their representation would aggregate $3\frac{1}{2}$ per cent of the total seats in the Provincial Assemblies.

* See Tables between pages 112-115.

The Sikhs, likewise, are a minority of some importance in the Punjab, and of a much smaller concern in the country as a whole. In both cases they have been given separate representation with considerable weightage, for the same reasons that have given such representation to other minorities. In the Federal Assembly they have 6 seats out of a total British Indian representation of 250, or about $2\frac{1}{2}\%$; while in the Provincial Assemblies, in the Punjab they have 31 seats out of a total of 175, or 18% to a Sikh population of 13% in that Province. In the North West Frontier Province they have 3 seats out of a total of 50 seats, or 6%, in a population of which they hardly form 2% in that province.

Neither the social disabilities of the Scheduled Castes, nor the differences in religion, race, or culture that the Muslims might claim, distinguishes the Anglo-Indians from the rest of the people of India. This minority is *sui generis*. It is more in the nature of the separate nationality, like the European minorities in the post-war countries, than a typical Indian minority. They have, however, been always employed in large numbers in certain departments of the public service, like the Railways, Post Offices, etc. to such an extent that they may find the growth of democratic institutions subversive to the continued

maintenance of their position in these services. They have received statutory assurances and guarantees for their position in the public services, in which they are at present out of all proportion to their numbers. In point of numbers, and lack of economic identity with the interests of the country as a whole, the Anglo-Indians stand out as a class apart. They are, therefore, open to opposition from a variety of directions, which, perhaps, would not apply to the other minorities. In the Federal Assembly they get 4 seats out of 250 British Indian seats, *i.e.*, $1\frac{1}{2}$ per cent., and in the Provincial Assemblies 11 seats out of 1,585, *i.e.*, $\frac{3}{4}$ per cent. for a population of much less than 1%.

The Europeans in India are a minority, not only on religious, communal and racial lines, but also a minority of economic interests. It, however, attracts the utmost sympathy, and demands disproportionate attention, from the Government of India. Representation to the Europeans and Anglo-Indians is given in a variety of ways, which would show that the weightage in their case is not in terms of a few per cent. but to the extent of several times their number. In the Federal Assembly Europeans have secured, as such, 8 seats out of 250 seats, total British Indian

representation; and they may very likely capture at least 6 out of 11 seats set apart for representatives of Commerce and Industry. This would mean about 14 seats out of 250, or $5\frac{1}{2}$ per cent. as against a population strength of less than $1/35$ of one per cent. In the Provincial Assemblies, they have 26 seats as Europeans, and may secure another 22 to 24 seats out of the 56 seats reserved for representatives of commerce and industry, mining and planting, where they preponderate. This means representation of about 3 per cent or more for a population strength of less than $1/35$ of one per cent.

If all these minorities are thus assured a definite quota of the general constituencies, the majority, mainly Hindus, are likely to be converted from a majority into a minority in the Central Legislature of the country, if and when it should come into effect under the Government of India Act of 1935; and perhaps in some Provincial Assembly as well. Special guarantees are provided for the maintenance of the economic interests of the Europeans in the Act of 1935, under the guise of a series of provisions prohibiting discrimination against them. The Governor-General and the Governors are also charged, by express terms of their Instrument of

Instructions, with a special responsibility in this regard. This constitutes an unending occasion for the strongest dissatisfaction with the scheme of government as outlined in the Act of 1935.

As though these "communal divisions" in India were not sufficient, separate representation has been provided, in the Act of 1935 for a number of "interests" as represented by the landholders, organized commerce and industry, mining and planting, industrial labour, universities, and the like. Every one of these interests may claim to be a minority. But the lines on which minority representation has been justified and provided, in cases hitherto reviewed, cannot possibly apply to these interests. The representation secured to landholders, or to the commercial and industrial interests, is too insignificant really to secure the particular or exclusive ends of these classes. In the Federal Assembly, so far as the representatives of British India are concerned, the land-holding interest is allowed 7 seats out of a total of 250, or less than 3 per cent; while the representatives of commerce and industry are allowed 11 seats, or a little over 4 per cent. In the Provincial Assemblies they secure, respectively, 37 and 56 seats, *i.e.* $2\frac{1}{3}$ per cent and $3\frac{1}{2}$ per cent, out of a total of 1,585 seats. Each of these is, by itself, too insignificant

to do anything specially in its own interest, particularly if that interest is in conflict with the corresponding interests of other groups. Even combined as propertied classes, in fundamental opposition to the "have-nots," they form an aggregate of about 6 per cent of the seats, which will never enable them to carry their point if the rest of the country is against them.

True, both landholders and commercial or industrial magnates would find other representation, more than their due, whether from the general constituencies, or even from the communal constituencies of Muslims, Indian Christians, Anglo-Indians, Europeans, and the like. With that aid, they may wield much larger power than is their due. But in so far as they are separate representatives, they would, by themselves, be powerless to serve the exclusive interests of their class.

The possibility, however, of their obtaining other representation makes any special representation of these classes, as such, through separate electorates set up for the purpose, both unnecessary and mischievous. They are unnecessary, because, as already pointed out, members of these classes would obtain more than their due representation from the ordinary territorial, general, or communal

electorates. And they are mischievous, because the mere fact of their presence is sufficient to emphasize a cleavage of interests which is not really there. Several matters of utmost importance in Indian politics have recently been made to turn on this supposed conflict of interest between the agricultural, and the industrial and commercial sections; e.g., the question of the Ratio between the Rupee and the Pound Sterling. Though the bulk of the representatives of the Indian people have, in most such cases, held identical views at critical moments, the presence of such a factor could be, and has been, exploited to the advantage of one of the interests.

It must also be remembered that, in reality, these are both propertied classes. The representatives of commerce and industry on the one hand, and the landholders on the other, are almost invariably rich individuals. They all have the same outlook. In matters economic or cultural, there can really be no opposition between their several ends. To give them separate representation is understandable only on the ground that, if there is the slightest variance in their material interest at any time, they should be able to emphasize these variances to the point where the policy

on any issue unacceptable to the British Government may not be given effect to, thanks to the national vote being split.

The real conflict of interests, now or in the future, that can be said to exist, is to be found elsewhere. In the land-holding classes, it finds expression between the agricultural labourers and cultivating tenants on the one hand, and landholders on the other. In commerce and industry, the industrial operatives, or workers, stand as a class against employers, who are the representatives of commerce and industry in the Federal and Provincial Legislatures. Industrial operatives, it is true,—in so far as they may claim to be properly organized,—have been given separate representation in the Federal as well as the Provincial Assemblies. In the former, their number is 10 out of a total of 250 British Indian representatives, *i.e.* 4%; while in the latter, their number is 38 out of a total of 1,585 representatives, *i.e.* about 2½%. In the Provincial Assemblies, as against the representatives of their employers, they are, however, but a small proportion. This is the more so, as the rest of the constituencies may well be assumed, even now, to return members with sympathies more directly with the employing classes than with the employed. Politics is a costly luxury. For a long time to come the popular

representatives in India will be derived from relatively richer classes, with innate sympathies with the upper class. In proportion as the class consciousness grows amongst the industrial workers, they are bound to find their interests ignored, neglected, or directly over-ridden, because of the over-whelming weight of sympathy in the Legislatures with the employing class. The Assemblies are, it must never be forgotten, constituted on a basis of some kind of property or status qualification. The members returned are, generally speaking, in point of wealth, infinitely richer than their electors, even in the most proletarian areas. It is, therefore, but natural that the worker's class interests should receive but lukewarm attention at the hands of their own representatives. The presence of these their peculiar representatives, supposed to voice specially their point of view, can only serve to stress the weakness of an extremely small minority, in which organized labour still finds itself in this country. Industrial labour reckons hardly more than 5 per cent of the total population of British India. And if we confine the right to vote only to organized Trade Unions, the proportion may be much smaller still. Their chance of being returned to the Assemblies,—Federal or Provincial,—is thus infinitely small, while the

opportunity to get elected through separate electorates is only an excuse for emphasizing the fact of their being in a hopeless minority, unable to do anything specifically and exclusively for their benefit.

Notwithstanding this, however, the class of industrial operatives has, at least, some representation given to it. But the agricultural worker, whether tenant cultivator or landless labourer, has hardly a place assigned to him as such in the Assemblies. In point of numbers, the agricultural worker, owning little or no land of his own, may amount in British India to more than 25 per cent. of the population engaged in the production of raw materials. No specific representation is, however, provided for this large class; and they can have no great hope of being enrolled as voters even, while adult suffrage still remains a dream. From the general or communal constituencies they can have no hope of finding any representation. In contrast to this, proportionately a much larger representation is provided for the land-holders and that, too, in addition, through separate electorates.

Another possible line of cleavage in organizing constituencies in this country may be found in the real or supposed opposition of interests as between the town and country; Urban and Rural

population. In laying down the outline of the constituencies, it is true that a certain amount of care has been taken to provide a measure of representation for the country population, which accounts for nearly 90 per cent. of the total population of India, whereas the town dwellers amount to hardly more than 10 per cent. The advantages in wealth and education the town dwellers enjoy are much greater than those of the country people proportionately. If, therefore, there is a real conflict of interest between these two classes, the lead will almost invariably come from the town dweller. The voice of the country people proper, if it should be in opposition to the town dweller, would scarcely be heard.

In distinction to these special classes or communities, separate representation for whom we have reviewed hitherto, there stand other minorities, with a clear cleavage of interests. They are, however, scarcely recognized; or, if recognized, little weight or importance is attached to them. Take the case of women, who are the largest single minority in India, being in proportion of 17:18. They are suffering from a load of disabilities, social and economic, compared to which the scheduled castes, and, *a fortiori*, the Muslims, may be said to enjoy a privileged position. It may well be said

to result from the fact that women have been hitherto almost completely excluded or ignored in the political organization of the country. They are now showing signs of political interest and consciousness, which demand their increasing association in the task of government, particularly in a democratic system.

Women have been provided, it is true, with separate representation,—in proportion, however, much too insignificant to do them any real justice; and yet enough to mark them out with all the odium of separate electorates.* Intelligent and far-sighted women have themselves condemned such separate representations. While, therefore, their distinct claims and interests seem to be recognized as something apart from the main portion of the population, they are not given anything like proportionate strength to secure their due rights.

The same may be said for that other minority, which consists of the educated men and women of all communities in schools or colleges or universities. In so far as education makes them different in ideal and outlook from the corresponding elements now making up the established order in India; and in so far as it inculcates a definite

* See Tables between pages 112-115, and Tables in Appendix.

political consciousness in them, these young men and women are bound to feel, they are a class apart. In point of numbers, they are, indeed, comparatively a small figure. But the contribution they have made in the struggle for freedom,—and the burden they are even now expected to bear in organizing political opinion in the country, and leading the van, as it were, in the march of progress,—entitles them, at least in their own opinion, to a recognition, by a much larger share of representation than what is given to them now. Their peculiar disabilities or handicaps arise from traditional or conventional grounds of discipline and decorum, for which they are expected to observe a subordinate position, which the more forward and conscious amongst them regard as mere excuses for keeping them for ever suppressed. Hence arises a degree of discontent among them, which is out of all proportion to the actual hardship they may have to endure.

Another minority still different from even the last two cases just summarized, consists in the “provincials” of one province residing in another for purposes of business or pleasure. In provinces which contain a number of distinct linguistic groups,—such as Madras or Bombay,—the distinction on lines of difference in language and

culture has become increasingly a factor, that is creating a complication of a far reaching character. The Bengali in Bihar, for example, the Telgu in the Tamil speaking areas, the Maratha in Gujrat, or *vice versa*, the Bania and the Marwari everywhere,—serve to show the extent of provincial conflict which is scarcely realized even at the present time. The advent of Provincial Autonomy has, if anything, only served to emphasize these divisions. The problem now manifests itself in an acute form in provinces like Bihar, where the Bengali colony is already making demands for guarantees that the natives of the place find difficult to comply with, without at the same time forgoing their own rights or opportunities.

Inter-provincial jealousies on grounds of difference in material interests is likely to show an increasing vehemence in the years to come, particularly in provinces where considerable proportions of the children of other provinces, or linguistic, cultural, or economic units are to be found. Sophisticated thinkers are, also, not wanting, who hold that the only basis for evolving a solid sense of nationality in India is to be found in these regional units; and not in an inopportune or premature emphasis, in and out of season, on the

solidarity of a common Indian nationality. For them, the non-provincial settled in a given unit must expect to rank as an outsider, who, particularly if he is a Bania or a Marwari, must feel grateful if the treatment awarded to the Jews in Nazi Germany is not made their lot in the home of their adoption. Such ideas need but to be mentioned to stress the menace implicit in them as regards those who still profess loyalty to the orthodox creed of Indian nationalism.

One solution, now generally accepted, of this particular problem consists in redevising the provinces of India, as far as possible on linguistic lines. Within the relatively homogeneous units thus set up,—and in composite units like metropolitan cities,—the minorities born in other provinces must be assured the same fundamental rights of citizenship as are assured to communal minorities. Even then, it may be questioned if this problem will really be solved. But we should have advanced a great step forward by eliminating or minimizing the root causes of the conflict, and paving the way for a real homogeneity of the people in the several units, and so, through them, in the nation at large. The rest must be left to the future.

Such provinces will need to be dismembered, and new provinces formed out of them more or less on linguistic and cultural lines, which may coincide with economic lines in many places. If Madras were to be split up into two major provinces, Andhra and Tamil Nad, and perhaps two similar provinces containing the Malayalam speaking and Canarese speaking groups; and if Bombay is divided into the Gujarati, Marathi and Canarese groups of districts, with Bombay City as an independent unit or province, like Madras City, by itself, there would be some hope of each unit becoming homogeneous, and pursuing its own normal life without much internal dissensions. To a large extent, these linguistic groups also show a degree of economic homogeneity, which augurs well for the normal tenor of their independent life, if made into separate provincial units each by itself.

It is, of course, a matter for consideration, whether the independent units thus set up into separate provinces would be able, from their own resources, to maintain a system of administration, which appears to be growing every day more costly; and whether they would have all the means to develop such resources as may be available within their own boundaries. The sentiment,

however, of an independent provincial nationality is already becoming so strong among certain people that,—at the risk of making each of these units too small and too weak to be able to stand on its own legs, and thereby making their march of progress more and more difficult,—we have to recognize it, and bring about in some manner separate existence for each of these units. Administrative costs will have to be radically revized so as to reduce its unit burden. When that fails to make both ends meet in each such small unit, and lays a positive bar upon its economic development, the moment would have arrived to consider a wholly new reorganization of India for administrative and economic purposes. At the present time any suggestion which would seem to offer an obstacle against the full self-realization of each such “nationality” into, and by means of a separate autonomous unit of itself, would have little chance of a dispassionate hearing.

Where there are linguistic groups,—which are also in the nature of economic units, and which hail from one province and are settled in another, such as the Marwaris or Gujratis in Bengal or in Maharashtra,—the complication is still more severe. In numbers they are too small and they live too scattered to permit an autonomous region being created for

them. Safeguards, however, have to be provided for their protection against invidious discrimination under the intoxication of Provincial Autonomy. It is possible, however, to look upon them in the nature of so many foreigners in the region they are settled in—as the Scotchman, for instance, may be looked upon in England. But though this idea is increasingly held, it is a short-sighted view; and holds out a menace to the future tranquillity and solidarity of India, which needs to be effectively protected.

This consideration will also serve to emphasize the need for a strong, central, federal government to keep in due restraint these small units based on exaggerated provincialism; and at the same time assure a reasonable rate of uniform progress of the country collectively. It is for this reason, also, that the undistributed powers in a federal constitution must be vested in the centre, lest the zeal for provincialism in a given unit create needless impediments to the march of progress.

By emphasizing the existence of these minorities, on communal, class, or nationality lines, we do not mean to imply that each of them should be recognized by separate representation in the legislature and the services, or receive specific guarantees. In fact we have pointed out the absurdity such recognition would involve by creating a number

of cross-sections and divisions in the country, serving only to add to the confusion already engendered by separate electorates. But their mention is inevitable, not only to point out the unreality, in a large measure, of the present demand of the unrecognized minorities for special recognition, but also to show the real, effective manner in which their rights can be guaranteed and national evolution can be expedited. We shall deal with it in the next chapter.

Because we have mentioned above specific minorities here,—like women or university students,—it must not be understood that the writer thinks all these should be separately represented. On the contrary, he believes that all separate class or communal electorates must be abandoned, if a *réal* spirit of national solidarity is to flourish in India. If we recognize the problem as it exists to-day, and offer a solution by maintaining separate communal electorates for a recognized minority like the Muslims, until such time as an agreed formula for joint electorates is evolved, it is simply because we cannot deny facts, however inconvenient. But that does not prevent us hoping, that this would be only temporary, say for the next ten years, and that thereafter a more appropriate solution would be found.

CHAPTER VII

ATTEMPTS AT SOLUTION

Having reviewed the minority situation in all its various aspects and developments hitherto, let us now summarize the real basis of this problem, and consider the ways and means of solving it.

The basic issues constituting minorities may be considered in two aspects; either as minorities which are deemed to be impossible ever to be transformed into majority; or minorities, which, though for the moment stand out as distinct entities, are, nevertheless, possible to be assimilated, and converted into majorities, so as to be able to obtain the substance of power in a democratic State. While the former are communities divided by lines of religion, race, or culture,—which are deemed impossible to amalgamate with any other body, divided from them on the same basis,—the latter are really in the nature of political parties. The latter, change from time to time, and may join other groups, without necessarily losing the separate identity of each joining group.

Even communities separated from one another by lines of religion may, however, become parties on political lines. These can ally themselves with other groups on political lines, only if "religion" is kept outside politics. The doctrine of equal and full toleration of all forms of belief or worship is nowadays regarded as a distinctive feature of the civilized society. It ranks foremost amongst the basic rights of citizenship, which should not be tampered with by the ordinary constitutional machinery. There need thus be no difficulty in keeping religion wholly out of politics; and making political parties follow exclusively material lines of division *inter se*.

There must be, besides, guaranteed Fundamental Rights, which must stand above and beyond the play of political parties. Catholics and Protestants once appeared to be irreconcilably opposed in European countries; and Jews almost everywhere used to be outcastes. Nevertheless, in Europe and America, wherever religious toleration is unquestionably accepted, these join freely on political lines to form governments in democratic countries.

In India, however, for the time being, the difference on religious grounds seems to be so prominent, and constitutes such irreconcilable entities,

that we may assume their continued presence as separate entities, at least for some years to come, to be unavoidable in the structure of the constitution to be adopted hereafter. This, however, will not obviate the necessity of securing the fullest possible toleration for every form of religious worship and belief, consistent with public peace, and with the equal right of every other community to the same freedom. When the undisturbed enjoyment of this freedom of thought, belief or worship, and all its associated privileges, have been experienced for some years, it is possible that the acerbity, caused at present by unnecessary and excessive emphasis on this line of division, will diminish. Political alliance and combination between members of different religious communities would then be possible which is not very easy to-day, though even to-day it is not unknown or impossible. We must, therefore, secure and establish, as the *sine qua non* of all political progress in this country, the fullest freedom and toleration for the enjoyment, practice, and development of all forms of religious belief, culture and tradition, consistent with the similar rights of all citizens, and the maintenance of public peace and harmony.

The communities divided from one another on lines of class interests,—such as landlords, and capitalists on the one hand, and proletarian workers whether in agriculture or industry, on the other,—are, apparently, not so irreconcilably opposed to one another, for all time. Political combination between these bodies, for purpose of attaining agreed common ends, is, however, much more easy, partly because the real divergence of material interests is not heavily emphasized or clearly perceived; and partly also because a gradual change takes place in the basic view-points and methods of work in either class, so as to modify the vehemence of opposition inherent between them. It is, therefore, unnecessary to stress more particularly, at the present juncture, the intrinsic difference between such classes, not only because the problem of minority, as it presents itself to-day, does not primarily concern this aspect, but also because no special safeguards are needed by these classes.

The problem thus resolves itself into a problem of protecting and safeguarding the seemingly irreconcilable religious minorities as against the majority. Even here, the relatively much smaller religious minority communities of Christians, Buddhists, Jains, Jews, Sikhs, or Parsis, do not

cause any great anxiety. These are able, by their wealth, education or influence, to combine with other groups on reasonable terms, and protect their interests, as communities, to a great extent. They are, besides, much too small in numbers, to permit of a solid organization on communal lines. Our problem, therefore, is a problem concerning the well-organized, vocal, and disciplined Muslim minority, which really forms the crucial point. It must be satisfied on all essential points, if we are to have a rapid and peaceful evolution of the Indian people in politics. The Depressed Class, or the Scheduled Castes, do not stand in exactly the same position; but even they may have to be assured a position in the new scheme of things, which would help to make them feel secure, in the full and equal enjoyment of opportunities for advancement available to every citizen of India under a regime of Dominion Status, in a democratic, egalitarian polity.

We presume, of course, that the basis of the new constitution of India would be: that India is a single nation, governed on lines of parliamentary democracy. Any scheme which splits up the country into several independent nations, or sovereign states, must be ruled out completely.

Any division of powers and functions, as between the central and the component parts of the government, which tends to render such a split possible, would be fatal to the chance of rapid material development, which the vicissitudes of our history have kept arrested for the last two hundred years.

We cannot, of course, ignore the existence of different political units—the States and the Provinces—which make up the whole of India. The country must, therefore, be organized as a Federal Unit. Its central as well as component units' governments must function on the basic principles of responsible administration through representative institutions. In such a system of government, there are certain matters of fundamental importance to the daily life and work of the people, which must be assured to every citizen,—irrespective of caste or creed, or the unit in which he lives, moves, and has his activity,—by special guarantees.

We have already quoted, in an earlier chapter, the Congress Resolution of 1931 on the Fundamental Rights and Duties,* and the Fourteen Points of the All-Muslim Conference of 1928,† both of which, even though open to more careful re-wording and adjustments, expressed the sense in which such rights would

* See pages 108-109

† See pages 77-79.

have to be guaranteed and assured. Once agreed to by all communities, guaranteed and assured, they must be made impossible to be altered by the ordinary method of constitutional amendment. Some special procedure will, therefore, have to be provided for altering and modifying these rights, if and when any change in them becomes necessary. Such special procedure would require, not only special notice, definite proposals, and prescribed majorities for carrying out these amendments; it would also require specific ratification by the entire mass of the country including all the communities affected. These assurances should be such as to prove satisfactory to all communities in India. The leaders of all the communities should be made to stand guarantee for such rights being not merely paper rights, but sacred vows to be maintained in practice.

Those, however, who might feel a fundamental distrust in the capacity of the Indian people themselves to recognize and scrupulously maintain such rights in practice, will not, perhaps, feel this adequate for their protection, in however solemn a form the assurance may be given. We cannot satisfy them.

It may be added, without prejudice to what has been said before, that, besides the sentiment

for one's own religion, culture and tradition, there is also the influence, in the present division of communities, of purely political or economic considerations. As the Premier of the Punjab put it bluntly the other day, the problem of minorities is a question of distributing loaves and fishes. The demand for separate representation through separate electorates in the legislatures is really a means to the end of obtaining a proportionate or more than proportionate share in the public services, and in the other material advantages of a democratic government. Such a desire is by no means reprehensible, particularly when any community seeking such opportunity is, or has been, by force of circumstances, backward, repressed, or exploited, so as to be unable to obtain, by its own efforts and in the ordinary course of political life, what may be regarded as its just due. If, therefore, we agree, as we do, that the economic factor is present, and has influenced recent discussions on the problem of minorities in general, we must see that real satisfaction is given to the minorities on this point as well, not merely in outward form, but in actual substance; and that they are assured their proportionate share in all ranks and branches of public service, and other advantages of popular government, consistent with reasonable requirements of efficient administration.

Viewed in this light, the outstanding issues between even the most vocal and best organized Muslim minority, and the majority party in India, appear to be relatively trivial as constituting lines of permanent division and irreconcilable opposition. There seems to be nothing which cannot be arranged to the satisfaction of these protagonists, given, of course, mutual good-will, honesty of purpose, and identity of outlook, so far as the future governance of India is concerned.

We have already mentioned and commented upon, in an earlier chapter, the so-called Fourteen Points which crystallized the Muslim demand as represented by Mr. Jinnah to-day. While several of these seem to have been already satisfied, they need to be confirmed by the central political organization of what appears to be the majority party in this country, *viz.*, the Indian National Congress, claiming to represent the entire country, and which has in fact got the largest voting strength in India.*

In certain provinces, for example,—like Sind, the North-West-Frontier Province, the Punjab, and Bengal,—there are Muslim majorities; and, therefore, there is in those provinces the possibility of predominantly Muslim governments. The

* See appendix Table C.

governments, however, actually formed in those provinces, where the Congress failed to secure a majority, were not purely Muslim governments, but Coalition or Unionist governments, as in Sind, the Punjab and Bengal. In the North-West-Frontier Province, there was a Congress government in office, but in coalition with other groups, as also for a while in Assam.

These majorities, however, are, under the Communal Award, so distributed that they are not statutorily secured. Pending the evolution of some kind of an agreed form of joint electorate,—under such necessary precautions as may be desirable in each case,—it may be advisable to confirm these majorities by express terms of the constitution, to satisfy the Muslim demand in this behalf. By granting this demand, it would not at all follow that the danger to the country's solidarity as a nation would be increased.† For the minority

† During the recent Ministerial crisis in Sind, it became daily more and more evident that, in an Assembly consisting of Muslim majority, the Muslim members were sharply divided *inter se*; and the obvious sympathies of by far the greater number of them seemed to be distinctly against the Muslim League, which had been voicing sentiments, which, if realized, would split up India into separate states on communal lines. There is good reason to believe, that a very responsible and numerous section of public opinion among the Muslims in India, does not desire such a separation of the country into independent communal units,—except, perhaps, for purely tactical reasons, or as political pyrotechnics.

communities in these provinces, by their wealth and education, are sufficiently strong and important to feel sure that in no instance could they be entirely swamped, overwhelmed, or politically and economically destroyed.

The Fundamental Rights, moreover, of all citizens will and must be guaranteed by the Constitution; and those guarantees would apply equally to minorities in every part wherever they exist. Accordingly, the protection which the Muslim minorities enjoy in the provinces where the Hindus appear to be in a majority would also apply to the Hindu or Sikh minorities in provinces where the Muslims are in a majority. It must also be recognized, from our recent experience, that wherever the Muslims are in a majority, they have not been in a position to form wholly Muslim governments; while in one province of Muslim majority, the North-West-frontier Province, there was actually a Congress government in office. The very fact of there being a statutory Muslim majority would hasten the emergence of differences on more realistic lines. These differences would be blurred so long as it is possible to raise a cry that the religion, culture, or tradition of a majority community in any province might be endangered by the lack of a statutory majority.

This suggestion is, indeed, not to be construed as if one considered it a good thing in itself for all time to come. It is only a temporary expedient, intended to allay needless fears, or false alarms. It should be discarded the moment its need is over. The same reasoning leads to a certain weightage being given to the minority communities in legislative representation, provided, however, that by such weightage the majority in any province would not be converted into a minority. The weightage, moreover, can be given only to one or two recognized minorities, and not to every group calling itself a communal minority.

If this point can be settled to the satisfaction of the minorities concerned, there need be no difficulty in bringing about, in course of time,—say not more than ten years,—joint electorates, on the basis of adult franchise, which would secure the same proportion to the Muslims in those provinces where they are in a majority, if they continued to think of themselves as a community apart, and at the same time remove any objection on the score of national solidarity. It may be that, even with joint electorates and adult franchise, a certain proportion of seats reserved for Muslims, in provinces where they are very few in numbers, may have to be continued for some years more as further

evidence of mutual good-will. All other separate electorates for classes and interests should be dispensed with at the earliest possible opportunity.

We may add in passing that the device of Proportional Representation will not succeed in satisfying the communal minorities in India. It is a device, which, to be successfully employed, requires considerable advance in education and general intelligence in the electors at large. This under Indian conditions, is conspicuous by its absence. Unless applied under quite suitable conditions, this device is likely to betray, rather than help, unorganized, illiterate, indifferent electors. We cannot, therefore, recommend its adoption in India to-day.

Even the system of Functional,—as distinguished from territorial—Electorates, is unsuited to existing Indian conditions, and must, therefore, be discarded. In a country where every citizen is a worker of some sort in some occupation recognized as useful by the community, and where there are no parasites, functional representation may be the most effective form of bringing about a working democracy. But, in India, under present conditions, that is an impossible dream to realize.

When the question of representation and electorates is settled to the satisfaction of the minorities, the formation of Central and Provincial Cabinets would not call forth any particular difficulty. The central as well as provincial cabinets would then reflect only the actual proportions in the legislatures, which would be formed on more material lines, and as agreed to by the minorities. Whether India evolves a two-party system of democratic government, as in Britain and her Dominions, or a group system, as in France, the majority party must necessarily include all important communities in a province, or in the country at large.

Pending, however, the evolution of this situation, care will have to be taken that, in forming central or provincial cabinets of responsible ministers, the due share of recognized minorities in the government of a unit is not denied to them. Hindu or Sikh or other ministers in the Muslim-Majority Provinces, will have to be included in the local cabinet, provided, of course, they conform in general to the main lines of that government's policy, and *vice versa*.

It is, however, utterly against the very basis of collective cabinet responsibility to include,

in central or provincial cabinets, representatives or nominees of organizations which do not share the political faith, or accept the general policy, of the majority in the legislature for the time being. A politically opposed organization, however largely it may claim to represent a minority community, cannot justly demand that any of its own nominees should be included in the cabinet, even if those nominees should refuse to conform to the political creed of the majority. Such a step would conduce neither to harmony among ministerial colleagues, nor to discipline among the permanent services carrying out the ministers' policies in actual administration, nor to the growth of a real parliamentary democracy.

We have already premised that the assurances and guarantees of the fullest freedom of religion, tradition, and culture; and of its practice, enjoyment and development, must rank amongst the first of the Fundamental Rights, which the minority communities have legitimately demanded. Nothing in recent years has apparently exasperated, for example, the Muslim sentiment so much as the desire for evolving a *lingua franca* in the country, and reorganizing its educational system so that it would tend to be more national in its character than the one now prevailing. In both these efforts, Muslims

have professed to perceive a scarcely veiled attack on their particular language,—including the script,—and the culture, of which that language is the outward symbol. This is, no doubt, a matter of detail. But if the basic principle of Fundamental Rights is accepted, the language and script, culture and tradition, religion and worship, have to be assured full freedom of enjoyment to every citizen, no matter how they appear to react on the process of securing national solidarity. Given a measure of good-will in this regard, there need be no difficulty in working out this problem satisfactorily. Each province may be allowed to have what may be called its own provincial language for all official intercourse. For this purpose, it may be necessary, as has been mentioned in another section of this book,* to split up some of the existing multi-lingual provinces into their component parts on linguistic lines. Each reconstituted unit would then have a single language of its own which will be called the provincial language, though there is nothing to prevent that language being identical with the national language. If a minority community, which has sufficient numbers to justify the demand, so requires, intercourse in their distinctive language,—one for the whole country, so far as

* See pages 149-151.

that minority is concerned—should also be facilitated. Proceedings in the legislatures and local bodies may also have to be in more than one language, as they do in some Dominions of the British Empire, for speech as well as for record.

If the accepted provincial language is different from the national language, which may well be the case in a majority of the provinces; and if, for purposes of national solidarity, it is deemed advisable intensively to cultivate, develop, and use that national language, then that language may be made an additional language for use in the province where the provincial or communal language may not serve the turn. This problem would, therefore, not be quite so insoluble as it may appear to us.

The difficulty of script will, no doubt, create serious administrative complications. But, at the cost of maintaining more than one script, and national language in the different provinces,—as they do in Switzerland,—if we can provide full satisfaction for the minority communities, and promote national solidarity, the price would be well worth paying. We would not presume to lay down the exact details by which an agreement on this point can be arrived at in every province or region. But we have no doubt that, given the

necessary determination to satisfy the minorities which feel imperilled,—however justly or unjustly,—it is not at all impossible to give them satisfaction on this, as on other points.

Public institutions of common utility to all communities within a unit, or in the country, must also be able to accommodate members of minority communities who may have occasion to resort to such institutions.

The assurance of a fair proportion to the minorities in the advantages of democratic government, including spoils of office in services and in the material development of the country, is the next important point in the problem of minorities. This, too, is not so difficult in principle as in the actual carrying out, where human frailty is more in evidence. Politicians are the least perfect, even amongst proverbially imperfect human beings. And, in democracies, they are exposed to temptations, which cannot but cause disappointment and dissatisfaction in a disproportionate measure, where the sentiment of distrust and suspicion already prevails.

The problem of securing their full share to the minorities in Public Services, etc. is more difficult,

because it involves a radical reconstruction of the social system on lines of distributive justice, which, at the present moment, is conspicuous by its absence. Once a democratic system is engendered, and worked by the happy co-operation of all the communities, the problem which will emerge will be that of wholesale social reconstruction. In that problem, one may venture to hope, all the present acerbities in regard to this matter would be softened. The fact that Muslims are backward in education is, indeed, a complication of this question, which often presents a convenient excuse to the majority to deny them their full share. We cannot, indeed, shut our eyes altogether to the needs of administrative efficiency. But, in most cases nowadays officers in public employ have their responsibility well distributed. Hence, provided a minimum prescribed qualification necessary for maintaining a reasonable standard of efficiency is available, candidates from minority communities should not be turned down merely because of their lack of comparative merit.

For the present, however, the problem is acute, and must be faced squarely. As regards the Public Services, we have already referred to the Resolution of the Government of India,

dated 4th of July, 1934,* which regulates the allotment of vacancies in public services under the central government, in accordance with certain fixed rules. 25 per cent of such vacancies are to be, under those rules, reserved for Muslims. For the remaining minority communities, a proportion of $8\frac{1}{3}$ is guaranteed under like rules.

This assures a reasonable weightage to the Muslims and other minorities in the public services. If the same principle,—we do not mean the same proportions,—is followed in the provincial services, Muslims in provinces where they are in a very considerable minority would, no doubt, gain a much more liberal treatment. But, in the provinces, many considerations other than those which influence the central government as regards the determination of posts for Muslims have to be taken into account. The Unity Conference in the Punjab of 1937-1938, for instance, held after the advent of Provincial Autonomy, seems to have arrived at an arrangement whereby, in a given province or region, an agreed total proportion is fixed for all its services. In allocating individual seats, as vacancies arise, a certain margin of discretion is provided to meet the particular composition of the community in each

* See pages 125—128.

district, or in each part of the province, so that, not a disproportionately larger number of public service candidates from communities, other than those composing the majority of the population in a given part, are to be appointed in that region, provided that, on the whole, the proportion in the entire province, over a given period, say a year, is maintained as settled by the agreement.* *i. e.* 50% Muslims, 25% Hindus, 20% Sikhs, and 5% others in the Punjab. This arrangement seems to be suitable, with necessary adjustments, for other provinces, too; and if a certain degree of sacrifice is made by the community which is in the largest majority, every satisfaction would be available to the minorities concerned in each given province.

*In reply to a question in the Punjab Assembly on the 2nd February 1940, the acting leader of the House gave the following proportion of appointments in the different districts of the Punjab:—

District		Muslims	Hindus	Sikhs	Others
Ambala	--	30%	55%	10%	5%
Jullundur	--	30%	35%	30%	5%
Lahore	--	50%	15%	30%	5%
Rawalpindi	--	75%	10%	10%	5%
Multan	--	65%	10%	20%	5%
Whole Province	--	50%	25%	20%	5%

In making assignment, however, to public services, certain minimum prescribed qualifications will have to be insisted upon, for the sake of efficiency of the public service. No appointment can or should be made which would not comply with those requirements. The appointment procedure, and appointing authority, must give due regard to the qualifications for the first choice. In every case of promotion, moreover, from within a service, the fullest attention should, likewise, be paid to the requirements of experience and qualification, though the insistence on qualifications needed for initial appointment may be modified to some extent. In the case of appointments of experts, to those posts needing special qualifications, the arrangement indicated above will have to be waived altogether, as the interests of efficiency in public service must predominate in the final choice to such posts.

In connection with the public services distributed on the basis just indicated, though otherwise satisfactory, there is a little difference of opinion in certain quarters. So far as the "Security Services," particularly the Defence Services, are concerned, a little more than the agreed proportion should be assigned to the Muslim minority, to re-assure them

during the period of transition; or the relative proportions of the different communities in the Army, as on the 1st of April 1937, when Provincial Autonomy first came into effect, should be maintained, until the basic structure and guiding principles of recruitment for such services are altered. The organization of the Defence Services,—which is the most important of the so-called “Security Services”,—involves considerations of national importance, in which the claim of numbers is not finally decisive, particularly because, under the conditions of modern defence, we would need highly technical personnel and special aptitude for manning given branches of that service. Unless individuals from different areas or communities come forward in the agreed proportions, with the requisite qualifications for manning the different branches of services, it would be impossible to maintain such an agreed proportion, and, at the same time, preserve all the essentials of national safety.

In the existing recruitment for the Defence Services, moreover, the artificial distinction between martial and non-martial races has given a predominance to certain communities, or to certain regions, which the other parts of the country may justly oppose as being unfair to them. The days

of the absolute predominance of the army as the only engine of a nation's defence are over. India would need, when she is independent, a navy and an air force as much as an army; and the qualities which are supposed to have made a good soldier may not serve equally for a good sailor or airman. This matter, therefore, however it may be agreed to for the moment, would need to be radically reconsidered in the near future, with due regard to national safety and political contentment of the people.

The qualification needed for forming the different branches of the modern Defence Services are not all brought about by training. They depend a good deal on initial heritage of the candidates. Moreover, if, as is very likely, the organization of national defence in this country hereafter requires that we should introduce some form of universal compulsory service, by setting up a national militia, it would be impossible to maintain agreed proportions for different communities, which may be in excess of their numbers in the case of minority communities. As a temporary measure, pending the evolution of some system of universal military service for national defence, it may be possible to fix the proportions

for the different communities in the armed forces of the country, such as were in vogue, for example, on the 1st of April, 1937. But, even then, the rules regarding the necessary qualifications, knowledge, and experience, would have to be applied rigorously, both as regards the ordinary ranks and officers. Even if an agreement is made, and proportions fixed for the transitory period, it must be clearly understood that it is a purely temporary arrangement, which would have to be scrapped when a proper system of national defence is organized, in accordance with the needs and requirements of this country, in the various branches in which the exigencies of the time may compel us to provide for our national security.

In other services, likewise, where the service has to be organized on a scale of nation-wide operation, the same difficulty would inevitably arise. For example, if Public Education is to be provided on a compulsory universal basis throughout the country, if the number of teachers, and all other aids needed for carrying out the service, are agreed to be in such communal proportions, which are in excess of what may be warranted by the numbers of given communities, that agreement may be extremely difficult to carry out in practice.

The same may also be said of the Health Service, the Transport Service, and a number of other public utility services of common concern to the entire nation. In all these cases, when organized on a nation-wide scale, it may be impossible to maintain agreed proportions involving special weightage to particular communities, such as seems to be the case in regard to the Central Services under the Resolution of the Government of India, dated the 4th of July, 1934.

It is, in fact, necessary to remember that, in the changing times and circumstances under which we are living, the whole outlook of the organization of public services of a country may have to be radically altered. The recruitment, promotion, discipline and retirement from public service may have to be regulated by principles and methods, other than those to which we have been hitherto accustomed. At the present time public services provide employment for less than 1% of the population; whereas in the scheme of things which may quite possibly result under a planned economy of this country, that proportion may be very considerably enlarged. If large scale industry is nationalized, and agriculture treated as some sort of a national industry; if all the accessory services

transport, banking, insurance, and commerce are likewise reorganized as public utility functions of equal concern to the whole community, the possibility, of maintaining larger proportions than those justified by the actual numbers of any section of the community, would be impracticable.

In justice to the present demand of the minority communities, however, for some kind of special treatment in regard to services during the transition period, it may be added that hitherto they have not received even their fair share in such public services for a variety of reasons. Their own backwardness in point of education and qualification is by no means the only factor which explains such lack of proportionate share in the public services of their country. However, if the present demand may be granted as a temporary expedient to satisfy the minorities, and to speed up their backwardness to come up to the level, the fact must never be lost sight of by the minorities themselves, that it is a temporary concession which will have to be withdrawn the moment the present backwardness or disproportionate disparity disappears.

In the distribution of the other material advantages of a popular democratic government

set up in India, discrimination on communal lines would be undesirable, and must be discouraged if possible, without offending the minorities. But here, also, the same warning must be uttered. So long as private individual enterprise reigns supreme in the conduct of all important industries and other productive activities, it would be impossible to assure to every community an equal treatment in proportion to the numbers of that community, if the community as a whole is backward in that regard. The holders of key positions, or proprietary advantages in such private concerns, would necessarily first see to the provision of their own kith and kin, or those nearest to them in race, religion, or other such relationship; and only thereafter they would consider, if at all, the demands of national unity. Public authority, *viz.*, the government, would have very little power to influence their choice, and maintain a fairness in regard to employment under them which may be desirable for the sake of national unity.

Apart from the material difficulties and complications in the communal situation we have hitherto reviewed, there are several matters of sentimental importance, which, however, cause grave concern at the present time.

Amongst these, the foremost place must be given to the question of the National Flag, and the National Anthem. The Indian National Congress has adopted a tri-coloured flag, with a symbolic arrangement of the colours and imagery, which seems to offend the most important political organization of the Muslims. The latter consider the flag adopted by the Congress to be not a national, but a party, symbol. As such, they do not consider it entitled to command that honour and respect from them, which a national flag would be universally entitled to. To the members and sympathisers of the Congress, the tri-colour flag is a symbol of the struggle waged thereunder, and the sacrifices made, which they are not liable to forget. Even if this is a party, and not a national emblem, it has memories entwined with it, of suffering and sacrifice, of hope and ambition, which make it quite intelligible, why those concerned are not ready to agree to scrapping it altogether at the behest of the Muslim League. On the other hand, so long as a common national emblem or flag is not established by general agreement of all the important parties in the country, there is always the risk of such an emblem,—representing more a party than the nation, even though that party may be

representing a very large number of people from different communities,—being not welcome to the rest of the country.

In most of the leading States, there is some symbol of local sovereignty, which is not a recent creation, but which may be said to come down from days when this particular problem of national emblem was not there. If all the provinces in the country could similarly unearth, or evolve, an agreed common emblem for themselves, it may not be difficult at all to agree to a similar national flag. This will then be accepted as common to all the provinces; and in it each would be represented, as the Stars and Stripes in the national flag of the United States of America represent the component parts of the Union. Every component part of the nation will then be proud of the entire flag as its own particular emblem as well as the symbol of the whole nation.

The same must apply to the case of the National Anthem. A National Anthem has, like the National Flag, memories clustering around it, which must be acceptable to all members of the country, if it is to be universally respected. In America, for example, there have been more than one National Anthem in the past, such as "Hail

Columbia", or "Yankee Doodle-do", or the now accepted one of the "Star-Spangled Banner". In the days of the differences between the North and South, when the Southern States were very strong on the question of slave-holding, the "Yankee Doodle-do" was rather a song of mockery against the North, than a National Anthem common to all the people of the United States.

In India, the "Vande Mataram", sought to be made a National Anthem by the Congress, has been objected to by the Muslims on grounds of religion. No portion of the so called Pirpur Report of charges, of injustice to, or oppression of, the Muslims by the Congress Ministries is so strong as that which relates to the indignities experienced by the Muslims, in public schools or other public places, where the Congress Flag has been hoisted, and the "Vande Mataram" sung as the National Anthem. They object to be made to stand in silent reverence while a song is sung, which not only speaks of idol-worship, but also smacks of the political domination of the Hindus. The sentiment of opposition may originally have been purely political, whipped up specially for the occasion. It has, nevertheless, now become real, and must be met, if national solidarity is to be achieved in India.

On this matter, also,—as in regard to the matter of the National Flag,—it would be advisable to provide by agreement some more acceptable song. Surely India has many poets, to compose a new song to serve as the National Anthem, which would be even more universally acceptable than Tagore's "Jai Hai Bharat," or Iqbal's "Hindustan Hamara;" and less execrable to the Muslims than, "Vande Mataram."

As already remarked, these points in the Muslim demands are all of a sentimental nature. But sentiment is very important in modern politics, particularly in countries professing to be democratically governed; and must, therefore, be satisfied.

Still more sentimental and important to India, are two other matters in the Muslim minority problem, which concern the Sacrifice of Cows, and the playing of Music before Mosques, particularly at prayer time. These are responsible for giving rise to greater bitterness of feelings in the masses as a whole, than most of the items noticed so far. We must face them, and solve them, if we wish to have communal harmony and national solidarity in India.

The cow has been regarded in India, by the Hindus, from time immemorial, as a sacred

animal. Its slaughter and destruction is a matter of the utmost offence to all Hindus, at any rate. On the other hand, the Muslims regard the slaughter of cows as a matter of the ordinary rights of citizenship. They are insistent upon their right to use what food they like, and to carry on cow sacrifice, in that form of sacrifice they consider as enjoined by their religion. It does seem a trifle ironic and incongruous, that, in the desire to save a cow or two from slaughter, some of them are ready to shed human blood. Apart, however, from this last being a mere matter of surrender to the logic of force; and apart altogether from the evidence of treaties with Hindu rulers, whereby in the latter's dominions the use of beef or the slaughter of cows,—even for the British troops or officers stationed in their midst,—is forbidden, the fact cannot but be admitted by all lovers of peace and order, that the sacrifice of cows tends to rouse feelings of strong resentment in a large majority of the people of India; and, as such, it is liable to disturb peaceful relations and normal life.

Without questioning the ordinary civic right of Muslims, and any other people using beef as an ordinary article of diet, to do so if they choose,

all precautions may, nevertheless, be required of them, so to make this use as to hurt the feelings of their Hindu neighbours the least possible. Leading cows intended for slaughter in public procession, through localities inhabited by those who would be distressed by such slaughter; and carrying out the actual slaughter by devices and in a manner calculated to hurt their feelings; or exposing cow meat for sale in a locality likely to provoke the Hindu community, are such acts which must be stopped as a mere necessity for public peace. Regulations may, therefore, be made, by agreement between the communities, or by civil authorities in the ordinary exercise of their functions, for stopping needless display of such acts and occasions, in a manner calculated to provoke unneighbourly feelings amongst those accustomed to regard cow slaughter with aversion, and the use of beef as an article of diet with loathing.

Such regulations have been made and enforced in many a province already, both under the authority of the provincial governments, and under by-laws of municipal bodies, which have proved successful in minimizing, if not avoiding altogether, cases of conflicts on this ground. In parts where such regulations have still to be formulated, it is not

impossible to arrive at an agreement, recognizing the right of the Muslims, if they so choose, to perform cow slaughter and use beef. But, if they do so, they must do so under such precautions and conditions, as at least not to hurt the feelings of their Hindu neighbours. Customary practice in particular localities may be cited as evidence of the existence of such right and usage. And even if such evidence is not forthcoming, this concession may be made as a matter of national expediency. In every considerable centre of Muslim population, a place may be appointed, where, if they choose, cows may be sacrificed on days of Muslim festival. But the sacrifice must be conducted in a manner which would not hurt the feelings of the Hindu citizens, in the normal pursuit of their ordinary avocation. The sale of beef must, likewise, be allowed only by shops specially licensed for the purpose. No such shops should be licensed in a locality principally inhabited by Hindus; and no exposure of such meat should be permitted, under the terms of the license, which would needlessly offend Hindu sensibility. Such an arrangement is by no means impossible to arrive at. It only needs a measure of good-will and tolerance, which, unfortunately, are not over much in evidence amongst us to-day.

The same may be said with regard to the question of playing music before the Muslim places of worship. Such music, it is urged, is calculated to disturb the quiet and serenity of prayer-time, and so disturb the unmolested worship of the faithful. More riots have been provoked by this act of playing music before mosques at prayer-time or otherwise, than by any other single act. It is, therefore, imperative that some means be devised to regulate the playing of music before the mosques.

The right of the citizens to use public streets, play music there, and carry on any orderly procession through such streets, cannot be denied. But the exercise of the right may, nevertheless, be under such conditions, that it may provoke unnecessary hostility amongst other citizens of a different faith, on the ground that their prayers or worship are interrupted. Regulations have, accordingly, been made, in many a province already, whereby playing of music before mosques, or making of any such noise, is prohibited, particularly at stated times of public prayers, for a given length of period before and after such prayers, and within a prescribed distance of the mosque, within which such noise or music may penetrate to disturb the faithful at prayer. But

these prayers usually last for a few minutes; and so, if music or noise is prohibited near the public places of worship, say for about half an hour at such prayer-time which is fixed, and for a distance, on either side, of a hundred yards, there need be no occasion for a breach of the public peace on this ground. The distance may be calculated and the time prescribed by local regulations in each place. But a general agreement must first accept the recognition of the right of one set of citizens to practise unmolested their acts of worship, and a corresponding right of the other set of citizens to use public streets in an orderly manner, with such display as any particular occasion may warrant.

CHAPTER VIII

CONCLUSION

On all the points, which we have reviewed so far, there seems to be no reason why a satisfactory agreement cannot be arrived at, between the leaders or organizations of the two principal communities, the Hindus and the Muslims, and then naturally other minorities concerned, so as to make their close co-operation on all matters of political or cultural advancement of the country, an easily accomplished fact. Such a settlement may be made a matter of a specific agreement, reinforced and guaranteed, if so deemed advisable, as an appendix to the basic constitution, or even enshrined in the shape of guaranteed, fundamental rights of citizenship in the constitution itself. However, even if these are all guaranteed, reinforced, and observed in practice, the essential requirement is not so much the letter of the agreement or of the constitution, but the spirit of goodwill and toleration amongst all citizens of the same country. Unless that spirit is forthcoming in an abundant measure, the agreement would only be

made for outward display, without touching the hearts of those who make such an agreement.

The impasse to which the situation has now reached will not be broken through if trust is still laid merely in negotiations. Negotiations only consist in bargaining; and, therefore, inevitably fail. In the greater interest of the country, there is nothing to prevent the parties concerned from making an unilateral statement, of what each expects of the other, and each is prepared to concede to the other. If they would only do so, the impasse, we have no doubt, will be easily cleared.

The attempts to solve this problem have been frustrated, time and again, not because human ingenuity could not devise appropriate solutions, but because the necessary good-will seemed to be wanting at the psychological moment. However perfect a written constitution for the country may be, however thoroughly it may guarantee rights, it would fail to provide real liberty and promote the material advancement of the country, so long as this principal desideratum is lacking. We cannot lay down any recipe for engendering good-will. No constitution can enact it, no agreement provide it, no professions of faith supply it, if, in the hearts of those concerned with making it good,

there is no real sentiment of good-will. But the leaders and spokesmen of communities can do much to stimulate it. By their own words and deeds, by timely advocacy of fundamental rights in temperate speech and orderly behaviour, by firmness or forbearance when occasion demands it, by opportune insistence upon the justice and wisdom of their cause, by every encouragement in their power to organizations and activities of a common character, and by stern repression of all that spells division or disruption, the problem of minorities can be settled, at least as it manifests itself in India to-day, for all time, in all parts, and on all points.

APPENDIX

TABLE A.

SUMMARY OF ELECTIONS IN 1937 IN EACH PROVINCE OF BRITISH INDIA.

Province.	Total Electorate.	Total number of voters in contested constituen- cies.	Number of votes polled.	Percentage of votes polled to number of voters in con- tested constituencies.
PROVINCIAL LEGISLATIVE ASSEMBLIES.				
Madras ...	6,436,760	6,145,450	3,171,168	51.6
Bombay ...	2,609,457	2,335,699	1,209,298	51.7
Bengal ...	6,695,483	6,299,429	2,586,404	40.5
United Provinces	5,335,309	5,137,093	3,362,736	58.3
Punjab ...	2,686,094	2,401,637	1,529,890	63.7
Bihar ...	2,412,229	2,308,397	1,367,184	59.22
Central Provin- ces and Berar }	1,741,364	1,713,166	955,869	54.8
Assam ...	815,341	731,898	522,273	71.35
North-West- Frontier }	246,609	246,609	179,529	72.8
Province }				
Orissa ...	520,225	490,022	288,514	58.87
Sind ...	639,043	614,942	333,589	54.2
Total ...	30,137,914	28,424,342	15,506,454	54.55
PROVINCIAL LEGISLATIVE COUNCILS.				
Madras ...	24,979	21,219	17,142	80.08
Bombay ...	14,769	13,616	10,539	77.4
Bengal ...	19,610	12,005	5,593	46.6
United Provinces	17,212	13,939	9,795	70.2
Bihar ...	7,673	6,672	4,318	66.21
Assam ...	5,128	2,789	2,623	94.04
Total ...	89,571	70,240	50,010	71.20

This table is taken from the "Return showing the results of Elections in India, 1937."

TABLE B.

NUMBER OF WOMEN VOTERS IN ELECTIONS IN 1937,
TO BOTH RESERVED AND UNRESERVED SEATS.

Province.	Number enrolled.	Number enrolled in contested consti- tuencies.	Number who voted.	Percentage of column 4 on column 3.
1	2	3	4	5
LEGISLATIVE ASSEMBLIES.				
Madras --	1,584,784	1,523,248	479,278	31.5
Bombay --	335,890	305,750	129,535	42.4
Bengal --	970,033	896,588	46,758	5.2
United Provinces--	520,380	494,752	95,553	19.3
Punjab --	189,105	173,459	58,216	33.56
Bihar --	229,044	215,490	17,037	7.9
Central Provinces } and Berar }	263,331	259,750	63,744	24.5
Assam --	45,366	29,680	8,678	29.23
North-West- } Frontier } Province }	4,895	4,895	3,498	71.4
Orissa --	79,208	70,526	4,670	6.62
Sind --	32,668	27,940	9,705	34.7
LEGISLATIVE COUNCILS.				
Madras --	2,796	2,578	1,420	55.1
Bombay --	1,755	1,636	923	56.4
Bengal --	3,673	2,136	437	20.5
United Provinces--	2,262	1,684	598	35.5
Bihar --	1,060	882	594	67.34
Assam --	1,127	559	512	91.57

This table is taken from the "Return showing the results of
Elections in India, 1937."

TABLE C.

Statements of the results of Elections in the Assemblies of each Province of India in 1937.

MADRAS ASSEMBLY.

1	2	3	4	5	6	Party Strength						
Constituency.	No. of Seats	Total No. of Electors	Average No. of Electors per seat	Total No. of Electors who voted	Percentage of column 3 on column 5	Congress	Independent	Muslim League	Muslim Progress	No Party	Justice	People's Party
General	146	5,533,359	38,037	2,726,641	50	137	4	9	1	—	5	—
Muhammadian	28	1,133,153	14,592	182,150	45	4	6	—	—	—	8	—
Women	8	2,222,110	25,280	94,663	47	7	1	—	—	—	—	—
Anglo-Indian	2	5,912	3,106	4,787	77	—	—	—	—	2	—	—
European	3	3,600	1,226	—	—	—	—	—	—	3	—	—
Indian Christian	8	201,723	25,241	125,251	62	3	1	—	—	—	—	—
Backward Tribal	1	16,093	16,093	4,911	31	1	1	—	—	4	1	—
Commerce etc.	6	389	65	—	—	—	2	—	—	—	3	1
Landholders	6	717	119	654	91	—	—	—	—	—	—	—
Labour	6	35,474	5,912	25,874	73	6	—	—	—	—	—	—
University	1	—	—	5,968	—	1	—	—	—	—	—	—
Total	215	6,436,760	29,940	3,110,452	—	159	15	9	1	9	21	1

TABLE C—(Contd.)

BOMBAY ASSEMBLY.

1	2	3	4	5	6	Party Strength.								
						Congress	Independent	Muslim League	Democratic Swaraj Party	Non-Brahmin	Varnashram	Koti Sabha	Labour	
Constituency.	No. of Seats.	Total No. of Electors.	Average No. of Electors per seat.	Total No. of Electors who voted.	Percentage of column 5 on column 3									
General --	115	2,021,234	17,580	1,023,913	51	75	12	--	2	13	10	1	2	--
Muhammadan	29	224,436	7,738	115,469	51	5	12	17	--	--	--	--	--	--
Women	6	287,211	47,869	45,890	16	--	--	1	--	--	--	--	--	--
Anglo-Indian	2	2,752	1,376	--	--	--	2	--	--	--	--	--	--	--
European	3	6,350	2,117	--	--	--	3	--	--	--	--	--	--	--
Indian Christian	3	28,679	9,559	9,640	34	1	2	--	--	--	--	--	--	--
Commerce &c.	7	649	93	231	36	1	6	--	--	--	--	--	--	4
Landholders	2	652	326	138	21	2	2	--	1	--	--	--	--	--
Labour &c.	7	33,099	4,743	10,277	31	2	--	--	--	--	--	--	--	--
University	1	4,395	4,395	3,740	85	1	--	--	--	--	--	--	--	--
Total --	175	2,609,457	14,910	1,209,298	--	85	39	18	3	13	10	1	2	4

N. B.—Labour 7 representatives:—Congress 2, Labour 2, Democratic Swaraj 1, Labour Congress 1, Red Flag Communist with Congress Support 1.

TABLE C—(Contd.)

BENGAL ASSEMBLY.

1	2	3	4	5	6	Party Strength.						
Constituency.	No. of Seats.	Total No. of Electors.	Average No. of Electors per seat.	Total No. of Electors who voted.	Percentage of column 2 on column 5	Party Strength.						
						Congress	Independent	Muslim League	Hindu Nationalist	Hindu Maha-Sabha	People's Party	"Tippura Kishak Samiti"
General --	78	2,811,635	36,030	1,055,761	38	46	28	35	2	2	36	5
Muhammadan --	117	3,458,361	29,550	1,385,119	40	2	41	2	—	—	—	—
Women --	4	71,990	18,747	15,112	21	—	—	—	—	—	—	—
Anglo-Indian --	4	8,525	2,131	3,932	46	—	4	—	—	—	—	—
European --	11	11,175	1,289	93	4	—	11	—	—	—	—	—
Indian Christian --	2	10,038	5,019	5,416	58	—	2	—	—	—	—	—
Commerce &c. --	19	926	49	169	18	—	18	1	—	—	—	—
Landholders --	5	1,951	390	1,222	63	—	4	—	—	—	—	—
Trade Union Labour --	2	8,323	4,162	—	—	—	2	—	—	—	—	—
Factory Labour --	5	298,608	59,722	142,759	48	4	1	—	—	—	—	—
Garden Labour --	1	6,469	6,469	—	—	—	1	—	—	—	—	—
University --	2	1,479	740	1,075	73	—	1	—	—	—	—	—
Total --	250	6,695,483	26,780	2,586,404	—	52	113	39	3	2	36	5

TABLE C—(Contd.)

PUNJAB ASSEMBLY.

1	2	3	4	5	6	Party Strength.										
				Total No. of Electors who voted	Percentage of column 5 on column 3	Congress	Independent	Muslim League	Unionist	Hindu Elec- tion Board	Ahrars	Millat	Khalasa Na- tional Board	Akali	Socialist	Parliamentary Labour Party
Constituency	No. of Seats	Total No. of Electors.	Average No. of Electors per seat													
General	42	837,462	19,940	538,899	63	11	9	—	13	9	—	2	—	—	—	—
Muhammadan	84	1,336,311	15,910	683,263	51	2	4	—	73	—	2	—	—	—	—	—
Sikh	31	495,632	15,990	290,054	59	4	3	—	—	—	—	—	13	10	1	—
Women	4	106,274	26,569	63,498	60	2	1	—	1	—	—	—	—	—	—	—
Anglo-Indian	1	733	733	—	—	—	—	—	—	—	—	—	—	—	—	—
Indian- Christian	2	11,643	5,822	8,674	73	—	—	—	2	—	—	—	—	—	—	—
European	1	4,313	4,313	—	—	—	—	—	1	—	—	—	—	—	—	—
Commerce &c.	1	121	121	119	98	—	1	—	—	—	—	—	—	—	—	—
Labour &c.	3	12,189	4,063	8,374	69	—	—	—	1	1	—	—	1	—	—	1
Landholders	5	3,097	619	554	18	—	—	—	3	—	—	—	—	—	—	—
University	1	757	757	—	—	—	1	—	—	—	—	—	—	—	—	—
Total	175	2,686,094	15,350	1,593,435	—	19	19	1	95	11	2	2	14	10	1	1

TABLE C—(Contd.)

UNITED PROVINCES ASSEMBLY.

1	2	3	4	5	6	Party Strength				
Constituency	No. of Seats	Total No. of Electors	Average No. of Electors per seat	Total No. of Electors who voted	Percentage of column 5 on column 3	Congress	Independent	Muslim League	Liberal	National Agriculturist
General Rural--	123	4,05,929	32,600	2,682,724	67	108	8	--	--	7
General Urban	17	361,590	21,270	1,82,391	50	17	--	--	--	9
Muhammadian --	64	722,134	11,280	3,91,646	54	1	23	26	--	--
Women--	6	177,059	29,510	86,299	49	4	2	--	--	--
Indian Christian	2	8,650	4,325	11,721	68	--	2	--	--	2
Commerce &c.--	3	223	74	168	76	1	--	--	1	4
Landholders	6	961	160	1,760	--	1	--	--	--	--
Labour --	3	4,227	15,412	3,577	8	3	--	--	--	--
University	1	919	919	706	77	1	--	--	--	--
Anglo-Indian	1	3,363	3,363	1,854	55	--	1	--	--	--
European	2	1,319	2,435	--	--	--	2	--	--	--
Total	228	5,335,309	23,400	3,362,736	--	136	43	26	1	22

TABLE C—(Contd.)

NORTH-WEST-FRONTIER PROVINCE ASSEMBLY.

1	2	3	4	5	6	Party Strength			
						Congress	Independent	Hindu Sikh Nationalist	No Party
Constituency	No. of Seats	Total No. of Electors	Average No. of Electors per seat	Total No. of Electors who voted	Percentage of column 3 of column 5				
General	9	32,310	3,557	22,325	70	4	1	4	--
Muhammadian	36	179,284	4,980	128,192	71	15	2	--	19
Sikh	3	13,412	4,471	5,337	40	--	--	3	--
Landholders	2	1,059	530	986	93	--	--	--	2
Total	50	246,609	4,932	179,529	--	19	3	7	21

TABLE C—(Contd.)

SIND ASSEMBLY.

1	2	3	4	5	6	Party Strength								
Constituency	No. of Seats	Total No. of Electors	Average No. of Electors per seat	Total No. of Electors who voted	Percentage of column 5 on column 2	Party Strength								
						Congress	Hindu	Independent	No Party	Sir Ghulam Hussain's Party	United	Azad Party	European	Doubtful
General	18	169,748	9,430	90,083	53	5	11	1	1	14	17	1	—	1
Muhammadan	33	432,199	13,094	238,620	55	—	—	—	—	1	—	—	—	—
Women	2	1,201	600	865	72	1	—	—	—	—	—	—	2	—
European	2	—	—	—	—	1	—	—	—	—	—	—	1	—
Commerce	2	1,692	816	1,276	75	—	1	—	—	—	—	—	—	—
Landholder	2	10,102	10,102	2,745	27	—	—	1	—	—	—	—	—	—
Labour	1	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	60	614,942	10,249	333,589	—	7	12	2	1	16	17	1	3	1

TABLE C—(Contd.)

BIHAR ASSEMBLY.

1	2	3	4	5	6	Party Strength					
Constituency	No. of Seats	Total No. of Electors.	Average No. of Electors per seat.	Total No. of Electors who voted.	Percentage of column 5 on column 3	Congress	Independent	United	No Party	Depressed	Ahitar
General --	93	2,010,664	47,321	1,162,664	58	84	16	6	6	3	3
Muhammadian --	39	324,503	8,316	171,187	53	4	16	10	10	3	3
Women --	4	28,603	7,167	12,823	45	3	1	1	1	1	1
Anglo-Indian --	1	1,143	1,463	--	--	--	--	--	2	--	--
European --	2	1,511	750	--	--	--	--	--	1	--	--
Indian Christian	1	50	80	71	89	--	--	--	1	--	--
Commerce --	4	192	48	53	28	--	--	--	4	--	--
Landholders --	4	560	140	491	88	--	--	--	4	--	--
Labour --	3	44,560	14,853	19,755	44	1	--	--	2	--	--
University --	1	149	149	140	94	--	--	--	1	--	--
Total --	152	2,412,229	15,870	1,367,184	--	92	16	6	32	3	3

TABLE C—(Contd.)

C. P. ASSEMBLY.

1	2	3	4	5	6	Party Strength.									
Constituency.	No. of Seats.	Total No. of Electors.	Average No. of Electors per seat.	Total No. of Electors who voted.	Percentage of column 5 on column 3	Congress	Independent	Ambedkar Party	Independent Labour Party	Nationalist Raja Party	Nationalist	Non-Brahmin	Hindu Sabha	Muslim League	Muslim Parliamentary Board
General --	84	1,563,812	37,279	861,019	55	63	12	1	2	1	1	3	1	5	8
Muhammadan --	14	73,903	5,279	48,222	65	3	1	--	--	--	--	--	--	--	--
Women --	3	70,250	23,117	29,401	42	3	1	--	--	--	--	--	--	--	--
Backward Tribal.	1	16,000	16,157	9,016	55	1	1	--	--	--	--	--	--	--	--
Commerce &c. --	2	1,000	192	116	85	1	1	--	--	--	--	--	--	--	--
Landholders --	3	1,000	428	111	59	2	1	--	--	--	--	--	--	--	--
Labour --	2	3,000	4,014	5,621	70	1	1	--	--	--	--	--	--	--	--
Anglo-Indian --	1	1,100	1,144	981	68	1	1	--	--	--	--	--	--	--	--
European --	1	346	546	342	95	--	1	--	--	--	1	--	--	--	--
University --	1	358	358	342	95	--	--	--	--	--	--	--	--	--	--
Total --	112	1,741,364	15,540	955,869	--	70	19	1	2	1	2	3	1	5	8

TABLE C—(Contd.)

ORISSA ASSEMBLY

1	2	3	4	5	6	Party Strength			
Constituency	No. of Seats	Total No. of Electors	Average No. of Electors per seat	Total No. of Electors who voted	Percentage of column 5 on column 3	Congress	Independent	Nationalist	No Party
General --	45	509,335	11,320	251,531	50	33	2	3	2
Muhammadan --	4	7,998	1,982	4,164	53	—	3	1	—
Women --	2	17,353	8,677	7,466	42	2	—	—	—
Indian Christian	1	651	651	461	71	—	—	—	—
Commerce --	1	435	435	257	53	—	1	—	—
Landholder --	2	134	67	—	—	—	—	—	—
Labour --	1	1,102	1,492	1,382	93	1	—	—	—
Total • --	56	520,225	9,290	265,561	--	36	6	4	4

N. B.—In the above table, in Column 6 the percentage does not take into account the candidates returned unopposed.

This table is compiled from the "Return showing the results of elections in India, 1937," Government of India publication.

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